

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 Brodhead, 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. CROUNSE: The petitions of grange organizations and citizens of Elmeruk and York, Nebraska, of similar import, to the same committee.

By Mr. DUNNELL: The petition of citizens of Freeborn County, Minnesota, of similar import, to the same committee.

By Mr. EAMES: The petition of Charles H. Arnold and 27 others, of Rhode Island, masters and owners of vessels, for the abolition of compulsory pilotage, to the Committee on Commerce.

By Mr. LOFLAND: The petition of N. H. Coverdale, for relief, to the Committee on Claims.

By Mr. MCCRARY: The petition of the grange organization of Mount Pleasant, 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. ORR: The petition of citizens of Story County, Iowa, of similar import, to the same committee.

Also, the petition of citizens of Calhoun County, Iowa, of similar import, to the same committee.

By Mr. PACKARD: The petition of citizens of Newton County, Indiana, of similar import, to the same committee.

By Mr. RAY: The petition of grange organizations of Warren County, Illinois, of similar import, to the same committee.

By Mr. ELLIS H. ROBERTS: The petition of Evan Jones, in relation to the duty on crude petroleum oil, to the Committee on Ways and Means.

By Mr. STANDIFORD: The petitions of Louis Surkant, Frank Fenster, William McDowell, and Samuel Sutterfield, respectively, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. STRAIT: The petitions of grange organizations of Nicolet County, Minnesota, 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. TYNER: The petition of citizens of Howard County, Indiana, of similar import, to the same committee.

By Mr. VANCE: The petition of R. W. Hume and E. J. Arton and other citizens of Transylvania and Buncombe Counties, North Carolina, that French Broad River, from Brevard to Buncombe line, be declared a navigable river, and that an appropriation be made to remove obstructions therefrom, to the Committee on Commerce.

By Mr. WILLIAMS, of Michigan: The petition of Ravina Grange, Muskegon County, Michigan, 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.

MONDAY, June 22, 1874.

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

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

Mr. SHERMAN. I move that the reading of the Journal be dispensed with, and I desire to state before the motion is put that I ask the attention of the Senate to the importance of passing at least a few clauses of the tariff and tax bill sent us by the House. I propose as soon as I can get the floor to call up that bill and ask the Senate to act only on such points in the House bill as to which there is no objection here. There are some few points in it that ought to be passed, for the benefit of the revenue, and to insure certainty in the revenue. I do not desire to act upon any matter which will give rise to debate. I am informed that if this course is pursued by the Senate we can promptly and without delay pass a few items of the bill as to internal revenue and as to customs duties which the Department are anxious and desirous we shall act upon without any prolonged debate.

Mr. RAMSEY. I entirely agree with the Senator from Ohio, and in this connection would give notice that the post-route bill is yet unacted upon. It is a long bill; the amendments are numerous and must go into the hands of the clerks to be engrossed and the whole bill to be enrolled unless you intend to lose it. If there is no objection, I ask the Senate now to act on it, concurring with the Senator from Ohio in all he has said about his bill.

Mr. SHERMAN. I move that the reading of the Journal be dispensed with with a view of taking up the tariff and tax bill. It will not take more than half an hour under this arrangement.

Mr. RAMSEY. Allow me first to pass the post-route bill so as to get it in the hands of the clerks.

Mr. SHERMAN. The tariff bill is of much more importance.

The PRESIDENT *pro tempore*. Is there objection to dispense with the reading of the Journal of Saturday's proceedings? The Chair hears no objection, and the reading is dispensed with.

INSANE CONVICTS.

The PRESIDENT *pro tempore* appointed as conferees on the part of

the Senate on the disagreeing votes of the two Houses on the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned, Mr. FRELINGHUYSEN, Mr. WRIGHT, and Mr. STEVENSON.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the second committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1875, and for other purposes.

The message also announced that the House had passed a bill (H. R. No. 3774) for the relief of the widow and children of General William Gates, United States Army, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. No. 669) referring the petition and papers in the case of Robert M. and Stephen A. Douglas, in so far as the same relates to cotton seized, to the Court of Claims.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 436) to extend the act of March 3, 1873, entitled "An act for the extension of time to the Saint Paul and Pacific Railroad Company for the completion of its road;"

A bill (S. No. 784) authorizing the transfer of gold mint bars from the bullion fund of the assay office, New York, to the assistant treasurer at New York;

A bill (H. R. No. 764) for the relief of John Dold;

A 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;

A bill (H. R. No. 1774) for the relief of Matthias Whitehead;

A bill (H. R. No. 3257) authorizing the Secretary of War to sell unserviceable ordnance stores, and for other purposes;

A bill (H. R. No. 3282) providing for the collection of moneys due the United States from the Pacific Railroad Companies;

A bill (H. R. No. 3354) to legalize entries of public lands under the homestead laws in certain cases;

A bill (H. R. No. 2270) making an appropriation to pay Emanuel Small and Joseph Tate, of Atchison County, Missouri, for carrying the mails;

A bill (H. R. No. 3757) for the appropriation of twenty condemned bronze cannon for the erection of a statue to the late Major-General George Gordon Meade;

A bill (H. R. No. 1578) for the relief of Martin Kalbfleisch's sons;

A bill (H. R. No. 1370) to authorize the Secretary of the Interior to settle and pay the accounts of William Pelham, late surveyor-general of New Mexico;

A bill (H. R. No. 3428) to amend an act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849;

A bill (H. R. No. 3431) authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona no longer required for military purposes;

A bill (H. R. No. 1620) for the relief of John L. J. Jones, of Montgomery County, Maryland, for rent and damages sustained by the destruction of a dwelling-house by accidental fire while the same was being occupied by United States troops for quarters;

A bill (H. R. No. 3163) authorizing the Secretary of War to deliver certain condemned ordnance to the municipal authorities of Lexington, Massachusetts, for monumental purposes;

A bill (H. R. No. 225) to amend the act entitled "An act to establish a western judicial district of North Carolina;"

A bill (H. R. No. 2539) relinquishing the rights of the United States in certain lands in the State of Michigan;

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. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes;

A bill (H. R. No. 2801) to place on the retired list of the Navy M. H. Plunkett, late second assistant engineer of the regular Navy;

A bill (H. R. No. 352) for the relief of Colonel E. McCarty;

A bill (H. R. No. 753) for the relief of Peter S. Patton;

A bill (H. R. No. 1764) to appropriate lands for the support of schools in certain fractional townships in the State of Missouri;

A bill (H. R. No. 1915) to remove the disabilities of Henry H. Sibley, a citizen of Fredericksburgh, Virginia;

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 of a new marine hospital in the city of Pittsburgh, Pennsylvania;

A bill (H. R. No. 3162) for the relief of settlers on railroad lands;

A bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under act of Congress of March 3, 1871;

A bill (H. R. No. 3173) for the relief of James A. McCullah, late collector of the fifth district of Missouri;

A bill (H. R. No. 3508) conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes;

A bill (H. R. No. 3522) to extend the jurisdiction of the Light-House Board;

A joint resolution (H. R. No. 95) authorizing the Postmaster-General to perfect title to certain real estate obtained from John W. Norton, a defaulter to the postal money-order bureau; and

A joint resolution (H. R. No. 113) making an appropriation for the purchase and restoration to the family of the Marquis de La Fayette of the watch presented to him by General Washington.

EDUCATION REPORT.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the resolution of the House for printing copies of the report of the Commissioner of Education for 1873.

The amendment of the Senate was to make the resolution of the House read:

Resolved, (the Senate concurring,) That there be printed five thousand copies of the report of the Commissioner of Education for 1873, of which twenty-five hundred copies shall be for the use of the Commissioner, and twenty-five hundred copies shall be sold at the cost of paper and press-work, with an addition of 10 per cent., by the Congressional Printer.

The House non-concurred in this amendment and asked for the appointment of a committee of conference.

Mr. ANTHONY. There is no time for a committee of conference to meet and report upon a matter of printing. I think the Senate had better settle this question now. The House passed a resolution to print twenty thousand copies of the report of the Commissioner of Education. The Senate amended the resolution by providing for printing five thousand, one-half for the Commissioner, the other half for sale at cost and 10 per cent. added. The House has non-concurred in that amendment and asks for a conference. The members of the House are very anxious to have this document printed. The number is very large, twenty thousand, and that being much more than the Senate have agreed to on any proposition, the Committee on Printing did not feel at liberty to recommend it. I would prefer to have the judgment of the Senate upon that, either to concur or non-concur.

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island make a motion?

Mr. ANTHONY. I make a motion *pro forma*, to bring the question before the Senate, that the Senate recede, the effect of which will be to order twenty thousand to be printed.

Mr. SHERMAN. If the Senator will wait until we get the post-office appropriation bill acted on, I have no doubt the matter will be settled readily; but it cannot be done now.

Mr. ANTHONY. Let it lie over, then.

The PRESIDENT *pro tempore*. The matter will be laid aside.

TAX AND TARIFF BILL.

Mr. SHERMAN. I move now to proceed to the consideration of the bill (H. R. No. 3572) to amend existing customs and internal revenue laws, and for other purposes, giving notice that I do not intend to press any debatable matter?

Mr. SCHURZ. I would ask the Senator from Ohio whether he intends to drop those amendments that were reported by the Committee on Finance?

Mr. SHERMAN. O, no; not those to which there is no objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill, which had been reported from the Committee on Finance with amendments.

The first amendment of the committee was in section 1, line 3, to strike out the words "date of the passage of this act" and insert 30th day of June, 1874;" so as to read:

That from and after the 30th day of June, 1874, in lieu of the duties heretofore imposed, &c.

The amendment was agreed to.

Mr. FRELINGHUYSEN. Do I understand the Senator from Ohio to say that anything to which there is objection is to be passed over or to be discussed?

Mr. SHERMAN. Any matter that gives rise to any considerable debate, any more than a passing comment, I propose shall be stricken out. I do not propose at this stage of the session to pass in this bill any matter on which there is a substantial difference of opinion, but to save for the revenue on this bill, which came to us so late that we cannot act on it in the usual way, such matters as give rise to no debate and no controversy.

THE POST-ROUTE BILL.

Mr. RAMSEY. I want to appeal to the Senator from Ohio to give way to me to pass the post-route bill. I think it will take but five minutes. Let the tariff bill be laid aside informally.

The PRESIDENT *pro tempore*. Is there objection to the proposition of the Senator from Minnesota?

Mr. SHERMAN. I expect that is the quickest way to satisfy my friend from Minnesota.

The PRESIDENT *pro tempore*. The Senator from Minnesota is recognized, and the post-route bill will be taken up.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3804) to establish certain post-routes.

Mr. DAVIS. I move to dispense with the reading of the bill.

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUNDS. Yes, sir. No bill shall pass that is not read.

Mr. RAMSEY. I will state that there is nothing in the bill but an enumeration of the post-routes which it provides for.

Mr. MORRILL, of Maine. I want the Senator to tell the Senate what the enumeration is, how much it amounts to, and what service it provides for. This is the second installment this session. The first was a very big one.

Mr. RAMSEY. I suppose Congress will pass the bill finally. It has done so at every session since the Government began. There are about seven hundred routes in the bill.

Mr. MORRILL, of Maine. I am unwilling on that statement to allow the bill to pass.

Mr. SHERMAN. The reading of this bill being called for, I insist on the regular order.

STATUE OF ADMIRAL FARRAGUT.

The PRESIDENT *pro tempore*. The Chair will state to the Senate that a motion was made on Saturday to reconsider the vote by which the Senate passed the joint resolution (H. R. No. 59) in regard to the statue of Admiral Farragut. A motion was made to lay the motion to reconsider on the table, and the Chair is informed that it is the universal custom of the Senate when a motion to reconsider is laid on the table to send the bill to the other House; but the Senator from Vermont [Mr. MORRILL] gave notice that he would call up this motion to reconsider, and therefore, out of courtesy to him, the Secretary has withheld the resolution for the present; but unless the Senate act upon it this morning or otherwise instruct the Secretary upon it he will, under the practice, have to send the resolution to the other House.

Mr. MORRILL, of Vermont. I simply desire to occupy the time of the Senate for a few moments in discussing the propriety of this measure and showing that there is a vital amendment that ought to be proposed to it.

Mr. SHERMAN. I am quite sure my friend from Vermont will not ask that, as he knows about as well as I that the tariff bill should not go over for anything of this kind now.

The PRESIDENT *pro tempore*. Very well; let the regular order proceed.

Mr. MORRILL, of Vermont. We can settle this matter after a while.

TAX AND TARIFF BILL.

The PRESIDENT *pro tempore*. The regular order is before the Senate, being the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes, and the reading will be continued.

The Chief Clerk continued to read the bill. The next amendment of the Committee on Finance was in section 1, line 23, after the word "over," to insert the words "in value;" so as to read "25 per cent. or over in value of cotton, flax, wool, or worsted."

The PRESIDENT *pro tempore*. The amendment will be agreed to if there be no objection. The Chair hears none.

Mr. FRELINGHUYSEN. If this bill is going through at that rate I want to move on the second page, line 21, after the word "*ad valorem*," to insert:

On vulcanized India-rubber and all manufactures of the same, not otherwise provided for 35 per cent. *ad valorem*.

Mr. SHERMAN. I object. That raises a very troublesome question. I hope the Senators who look to this bill now will stand by the Committee on Finance and reject all amendments except such as are generally assented to. This is a proposition to introduce the subject of vulcanized rubber, a matter that has not been considered at all by the committee of either House. If we open any question of this kind the Senator from New Jersey will see that the passage of the bill now is defeated.

Mr. FRELINGHUYSEN. But this part of the bill does change the law and makes 60 per cent. duty on vulcanized Indian-rubber.

Mr. SHERMAN. I know that.

Mr. FRELINGHUYSEN. Then you are effecting an important change in the matter of vulcanized rubber.

Mr. SHERMAN. The law as it is now here is as it is understood in the Treasury Department and as it was acted upon, but it was reversed by an inconsiderate decision, as I think, recently, by which the revenue has suffered. This section simply returns to the law as it was understood.

Mr. FRELINGHUYSEN. The case is this: The Senator moves this important bill in the last hours of the session, when the understanding is that no new matter is to be introduced, and introduces a provision by which we increase from 35 to 60 per cent. *ad valorem* the duty on vulcanized rubber.

Mr. SHERMAN. I said no new matter other than that which is

already in the bill as sent to us by the House of Representatives. As a matter of course all this may be considered as new matter; but we introduce nothing; we propose no amendment of the law.

Mr. FRELINGHUYSEN. I will move it to another part of the bill.

Mr. SHERMAN. This part of the bill has nothing to do with rubber, except in connection with silk. Perhaps the Senator is mistaken about it. When rubber is used in silk goods, it may come in under this duty here fixed; but certainly the Senator's amendments ought not to be introduced here.

Mr. FRELINGHUYSEN. Very well.

The PRESIDENT *pro tempore*. The reading will proceed.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Finance was to strike out "50" in line 6 of section 2, and insert "40;" so as to make the clause read:

On all still wines imported in casks, 40 cents per gallon.

Mr. SARGENT. I dislike very much to take up time in debate at this stage of the session; but at the same time the provision of the House bill is very reasonable in this matter and gives only fair protection to an immense interest and is in favor of pure wines. The section of the House bill interests not only California but Ohio and many other States where the American wine interest is growing to be a very important industry, and more especially is it important in my State where our hills are covered with the finest vineyards and where our processes for making wine are improving every year. I really hope that the amendment of the committee will be withdrawn and that we may stand on the House bill. Only the exigency of this being the last day of the session prevents me urging the case at greater length.

Mr. SHERMAN. I will state briefly to the Senate the whole of this matter. The present rate of duty actually collected on nearly all the wine imported into this country is 25 cents. It is a kind of specific and compound specific and *ad valorem* duty. That duty is very much evaded, and out of 8,000,000 gallons of wine imported, I think 6,000,000 come in at the rate of 25 cents. This is an increase of the duty on still wines and makes it uniform at 40 cents a gallon; and therefore it is largely in favor of the California and Ohio wine interest represented by the Senator from California and partly by myself. This was satisfactory to both sides. The trade desires a specific duty on all wines; and after the most careful examination and hearing both sides, both the wine-makers of the country and the wine importers, the committee decided to fix it at 40 cents. And we understood all were satisfied. We are assured that if the duty is put up to 50 cents a gallon, it will prohibit a large portion of wine now introduced, thus reducing the revenue instead of increasing it. The section as it now stands will give us perhaps \$1,000,000 more revenue from wine, and we regard it as the most important feature of this bill.

Mr. SARGENT. I ask my friend whether, this being a specific duty of 40 cents, there is not an opportunity to bring in wines heavily charged with alcohol and distill them into brandy?

Mr. SHERMAN. The Senator will see that the clause here provided is:

Provided, That any wines imported containing more than 24 per cent. of alcohol shall be forfeited to the United States.

Mr. SARGENT. I think this is a great relief, so far as it goes; but the amendment does not go quite so far as I want. I withdraw my objection, however, considering that it is some relief.

The amendment was agreed to.

The next amendment of the Committee on Finance was in section 2, line 3, to strike out "\$2" and insert "\$1.60;" so as to read:

On all still wines imported in bottles, \$1.60 per case of one dozen bottles, &c.

Mr. SHERMAN. That is part of the same matter.

The amendment was agreed to.

The next amendment of the Committee on Finance was in section 2, lines 18 to 23, inclusive, to strike out the following proviso:

Provided, also, That there shall be an allowance of 2 per cent. for leakage on the quantity which shall appear by the gauge to be contained in any cask of wines, and 5 per cent. on all wines, liquors, cordials, and distilled spirits in bottles, to be deducted from the invoice quantity in lieu of breakage.

The amendment was agreed to.

The next amendment was to strike out line 8 of section 34 in the following words:

On hops, 10 cents per pound.

Mr. FERRY, of Michigan. I hope this amendment will not be concurred in. I am not disposed to debate the question at this time. It would be unreasonable to do so. We are raising hops to some extent, and under the present tariff of 5 per cent. that interest is not protected sufficiently, and the hop-growers feel as though in view of the large importations there should be an increase of the tariff.

Mr. SHERMAN. I can only say that the present duty on hops is 5 cents a pound, not 5 per cent. That is equivalent to about 33 per cent. on hops. If the people of our country cannot raise hops with a protection of 33 per cent., I think it is perfect folly for us to talk about protecting them. We heard both sides and we thought the duty on hops ought to stand as it is, 5 cents a pound.

Mr. FERRY, of Michigan. I call the Senator's attention to the point he has made that both sides were heard. He will remember that there were parties who wished to be heard, and on account of the shortness of time they were excluded.

Mr. SHERMAN. I think the Senator himself represented one side very well.

Mr. FERRY, of Michigan. I was merely reflecting others. I am not a grower of hops myself, nor a drinker of hops brewed, distilled, or otherwise. I was only representing the views of others, and I think the chairman will bear me out in the statement that I persisted in having the other side heard.

Mr. SHERMAN. Yes.

Mr. FERRY, of Michigan. The brewers and distillers of hops were heard largely, and I thought it was nothing more than fair that the growers should be heard. I hope that the amendment will be non-concurred in.

Mr. SHERMAN. I represent an agricultural State which grows some hops; and if we cannot compete in that simply agricultural product with a protective duty of 33 per cent., I think we ought to give up the raising of hops. We did hear the brewers who were very much opposed to this increase, and I thought we had heard the other side. However, the whole matter is in a nut-shell. Is not 33 per cent. a sufficient duty on hops?

Mr. WRIGHT. I only desire to say that there were two sides to the question in the committee, as the chairman will remember, and I desire that the vote shall be taken on the single proposition whether we shall strike out this item or not. It will be remembered that some members of the committee insisted on retaining the clause as it is. I am among that number.

Mr. CHANDLER. I hope the amendment will not be concurred in. There is no reason on earth why all the hops required for use in the United States should not be raised in this country. I hope the amendment will not be concurred in, but that the duty will remain at the rate fixed by the House.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Finance.

Mr. BAYARD. The present duty even of 5 cents per pound on hops is very heavy when rated in *ad valorem*. It amounts, I think, to something like 35 or 40 per cent.

Mr. SHERMAN. The value of the hops I think is somewhere from 10 to 15 cents in gold. The duty is 5 cents a pound.

Mr. BAYARD. I do not propose to detain the Senate, for I feel that to undertake the discussion of a bill of this character at this hour would be, to say the least, impracticable, if not impossible. Nevertheless where a proposition is made to double the duty upon an article of such large and general consumption, and in so important a branch of the manufactures of the country, upon which the excise duties depend so largely, it is a very serious question for the Senate to undertake to double that duty. You have now a duty of more than the average of the tariff on this article of American production; and in the face of that large duty you exported in the last five years a very large amount of hops. The exportation reached, I think, in the year 1871 or 1872 nearly seventeen million pounds. It is an enormous article of export. You therefore have the absurdity of a country able to export a very large amount of a commodity proposing to raise the duty on it, when it is simply and purely an interference with a business on which our excise revenue largely depends.

I have not at this moment, not anticipating this discussion, the tables of the exports of hops from the United States for the last five years; but I can say with confidence to the Senate that they have been very large; and in the face of our having an oversupply that we send to other countries, it is proposed now, without reason, to double the duty!

Mr. President, the article of hops enters largely into, and its chief consumption is in, the production of malt liquors. These malt liquors form a very large and very useful and as compared with other drinks harmless portion of the beverages of the country. The revenue of the Government to-day from the item of malt liquors alone amounts to about \$9,000,000 a year. Do Senators propose hastily to interfere with a business of this magnitude? Do they propose to interfere with a business which is taxed, and one of the leading articles of taxation in the country, and without any reason in the world, as I have shown, to double the duty on an article so universally used and produced in this country to such an extent that the surplus must be exported and is exported in large quantities every year? What can be the meaning of such a tax? Nay, further, let us look at this subject in another way. The Senate has lately been made the scene of a discussion in respect to the matter of temperance. The abuse of alcoholic stimulants has been made the subject of grave congressional investigation. Any man who has considered the subject with that interest which I trust we all feel must be satisfied that one of the best steps toward a reformation of this alleged abuse is the substitution of a milder stimulant; and the use of the lighter beers and malt liquors is to be encouraged, in my opinion, and not to be discouraged.

I am not disposed, however, to treat this in the light of a sumptuary law; I dislike by law to invade the domain of morals and of individual taste; but I merely will say that upon the plainest grounds of political economy the imposition of a double tax, making it equivalent to about 70 per cent. *ad valorem*, upon an article entering into consumption so widely as does the article of hops, an article produced so abundantly by our soil, strikes me as being not only unwise, not only without warrant, but in every respect in which it can be viewed highly prejudicial.

I understand from that class of our citizens largely engaged in the

consumption of hops that the hops imported are some from Austria and from Italy, and that there are certain kinds of beer made in this country which require a small amount of the infusion of the flavor of foreign hops in order to suit the taste of the public. Of course, as the Senator from Ohio reminds me, the great bulk of the hops used in this country is of American growth. I cannot tell precisely the proportion, but the enormous majority of the hops used is of American growth. We cultivate enough for that purpose, and the history of the last five years shows that our hop-growers have abundant protection.

On every ground I hope the action of the Committee on Finance will be sustained, and that this excessive increase of duty, so unnecessary in point of revenue and so absurdly unnecessary on the ground of what is called protection, may not be favored by the Senate, but that the amendment reported by the Committee on Finance will receive the approbation of the Senate.

Mr. SCHURZ. I think it must be clear to every one that if this bill is to pass it must pass without much discussion; and that can be accomplished only in one way, and that is by adopting all the amendments as they are reported by the committee. There are in this bill many good things and a great many things which I would not assent to. But as soon as the amendments of the committee are once interfered with then I give notice that I shall move a number of amendments, which undoubtedly will cause debate.

As far as this amendment is concerned, it must be clear to every unprejudiced man in the country that if the hop culture cannot flourish with a protection of 33 per cent. in its favor, it ought not to flourish. A large quantity of hops is imported for one very good reason, because hops of those varieties are needed. The hop culture can be stimulated in no better way than by importing foreign hops so far as is necessary for the purpose of improving the cultivation here. I hope the amendment will be made.

Mr. FERRY, of Michigan. I do not wish to discuss the question; but out of compliment to the House of Representatives, the popular branch that reflects the will of the people, I feel as though my vote ought to be in accord with its action.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Finance.

The question being put, there were, on a division—ayes 30, noes 16.

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

The yeas and nays were ordered; and being taken, resulted—yeas 33, nays 14; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogz, Boutwell, Cooper, Davis, Flanagan, Frelinghuysen, Goldthwaite, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Ingalls, Kelly, McCreery, Merrimon, Morrill of Maine, Morton, Norwood, Ransom, Robertson, Sargent, Saulsbury, Schurz, Sherman, Sprague, Stevenson, Stockton, Tipton, Washburn, West, and Windom—33.

NAYS—Messrs. Anthony, Carpenter, Chandler, Clayton, Conover, Edmunds, Ferry of Michigan, Gilbert, Howe, Mitchell, Oglesby, Pratt, Wadleigh, and Wright—14.

ABSENT—Messrs. Allison, Boreman, Brownlow, Buckingham, Cameron, Conkling, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Gordon, Harvey, Hitchcock, Johnston, Jones, Lewis, Logan, Morrill of Vermont, Patterson, Pease, Ramsey, Scott, Spencer, Stewart, and Thurman—26.

So the amendment was agreed to.

The next amendment of the Committee on Finance was in section 4, line 9, after "four" to strike out "and a half;" so as to read:

On chromate and bichromate of potassa, 4 cents per pound.

The amendment was agreed to.

The next amendment was in section 4, line 11, after "vermicelli," to strike out "3 cents per pound" and insert "and" before "on," and after "on" insert the words "all similar," and after "preparations" strike out "similar thereto, 2," and insert "2;" so that the clause will read:

On macaroni and vermicelli and on all similar preparations, two cents per pound.

The amendment was agreed to.

The next amendment was in section 4, line 16, before the word "cents" to strike out "quarter" and insert "tenth;" so that the clause will read:

On tin in plates or sheets and on terne and tagger's tin, 1.1 cents per pound.

The amendment was agreed to.

The next amendment was in section 4, line 22, to strike out "one-half," and insert "five-eighths," and in line 25 to strike out "one-eighth," and insert "one-half;" so as to read:

On anchovies and sardines, packed in oil or otherwise, in tin boxes, 15 cents per whole box, measuring not more than five inches long, four inches wide, and three and one-half inches deep; 7½ cents for each half-box, measuring not more than five inches long, four inches wide, and one and five-eighths inches deep; and 4 cents for each quarter-box, measuring not more than four inches and three-quarters long, three and one-half inches wide, and one and one-half inches deep; when imported in any other form, 60 per cent. *ad valorem*.

The amendment was agreed to.

The next amendment was to add to section 4 the following proviso:

Provided, That cans or packages made of tin or other material containing fish of any kind admitted free of duty under any existing law or treaty, not exceeding one quart in contents, shall be subject to a duty of 1½ cents on each can or package; and when exceeding one quart, shall be subject to an additional duty of 1½ cents for each additional quart, or fractional part thereof.

The amendment was agreed to.

The next amendment of the Committee on Finance was to strike out the following proviso at the end of section 7:

And provided further, That bags other than of American manufacture in which

grain shall have been actually exported from the United States may be returned to the United States free of duty under regulations to be prescribed by the Secretary of the Treasury.

Mr. SHERMAN. Before the question is put on striking out that proviso, I move to insert after the word "returned," in line 9, the word "empty;" so that it may read:

That bags other than of American manufacture, in which grain shall have been actually exported from the United States, may be returned empty to the United States free of duty, &c.

Mr. SHERMAN. There is no objection to that because they would have to be returned of course.

Mr. SARGENT. The proviso relates to grain-bags of foreign manufacture which have once been imported into the United States and paid duty. They are used to ship grain to the Liverpool market and to other foreign places. They are used by the million in shipment from the Pacific coast. We cannot ship in bulk on account of shifting the cargo and sweating the cargo, and so we have to resort to the very expensive process of using grain-bags. The House of Representatives provided that these bags might be returned under regulations of the Secretary of the Treasury without paying the duty over and over again. That clause we desire to have retained, and there are abundant precedents for it heretofore; as, for instance, petroleum casks are allowed to be returned free of duty a second time. I want to put in the word "empty," so as to remove any fear that they might be returned with something else; and then I ask that the amendment of the committee be not concurred in, but that the proviso remain. The amendment of the committee is to strike out the proviso that the bags may be returned free of duty.

Mr. FRELINGHUYSEN. I should like to know from the Senator from California or from the Senator from Ohio why jute-bags should not be on the free list?

Mr. SARGENT. I should be very happy indeed, on account of the enormous interest of my people in this matter, to have them on the free list; but I have not urged that on account of the condition of the revenue. To do that would be an enormous relief to our people, I admit. If I could hope that the Houses would agree to a provision of that kind I certainly would urge it; but meanwhile I take what I can reasonably get, and I therefore ask that we be allowed to return these grain-bags without paying duty for the second and third time and over and over again. I have no doubt that the Secretary of the Treasury can make the same regulations in the matter of grain-bags that he does in the matter of petroleum casks and other matters to prevent any fraud on the revenue.

Mr. FRELINGHUYSEN. I understand that the article provided for in this seventh section is not grown in this country at all, and it does not need any protection, and it would be a great relief if it were placed on the free list.

Mr. SHERMAN. The question now before us is whether grain-bags being sent abroad with grain in them shall be returned duty free. The committee struck out the proviso, having a great deal of doubt about it, but I do not myself see any objection to allowing these grain-bags, when they are returned empty, to come in free of duty.

Mr. FRELINGHUYSEN. As I understand it, the question before the Senate is the adoption of the seventh section of the bill.

Mr. SHERMAN. Not at all. The question is on the amendment of the committee striking out the proviso, and that is a question every Senator can form a judgment upon at once, whether bags that have once paid duty and gone abroad with American produce in them shall be returned duty free. The committee thought the proviso ought to be stricken out; but as far as I am concerned I think it a doubtful question.

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

Mr. SARGENT. I believe I have said all I desire to say upon it. I do not want to take up time in debate. I trust the Senate will stand with me. It is the plainest provision in the bill.

Mr. SHERMAN. The word "empty" is inserted.

Mr. SARGENT. Yes, sir.

Mr. SHERMAN. It is due to the committee to state that the reason why they proposed to strike out this proviso was because of the absolute impossibility of identifying the bags and ascertaining whether or not they were the same bags, and of preventing fraud on the revenue by allowing all bags to be admitted duty free. The Senator from California will see, if he will look at section 9, that we provide "that barrels and grain-bags, the manufacture of the United States, when exported filled with American products, or exported empty and returned filled with foreign products, may be returned to the United States free of duty."

Mr. SARGENT. But those made in the United States are only a small part, a mere drop in the bucket, as compared with the number used. The great bulk of them we have to import from Dundee.

Mr. SHERMAN. The great difficulty is in identifying the particular bag.

Mr. SARGENT. There is not any more difficulty in the case of bags of foreign manufacture than in the case of bags of domestic manufacture. At any rate, the Secretary of the Treasury can prescribe the necessary regulations, and I should like to try the experiment of admitting these bags duty free.

Mr. SHERMAN. They can tell in a moment the difference between a home-manufactured and a foreign bag.

Mr. HAGER. I want to call the attention of the Senator from Ohio to the ninth section, which he referred to. It does not meet the case at all. The bags provided for there must be returned filled with foreign products. We wish to have the return of bags empty merely for the grain trade of California. We do not want to be required to bring them back filled with foreign articles, but we desire to have the privilege of returning the bags empty for the grain trade of California. That is a very important thing. The provision as it stands in section 7—

Mr. SHERMAN. If a bag is exported filled with American products, it may be returned either empty or filled.

Mr. HAGER. No; the language is "returned filled with foreign products may be returned to the United States free of duty." They must be filled with foreign products. We wish to have the privilege of returning them empty. That is not provided for in section 9. Therefore I hope section 7 will stand as it is. They can be returned under consular certificate without any difficulty at all. I hope the amendment of the committee will not be agreed to.

Mr. SHERMAN. The Senator is mistaken. Section 9 reads as follows:

That barrels and grain-bags, the manufacture of the United States, when exported filled with American products, or exported empty and returned filled with foreign products, may be returned to the United States free of duty.

In either case they may be brought in.

Mr. HAGER. If the Senator will consent to amend section 7 by inserting after the words "United States" the words "or upon which duties have once been paid to the United States," I have no objection; but there is no necessity of paying duties twice on these grain-bags. It is a hardship and unjust to impose a double tax upon the people of California in their efforts to maintain their relations with foreign countries in the exportation of grain.

Mr. BAYARD. I must confess that I think the amendment of the Senator from California [Mr. SARGENT] to the clause proposed to be stricken out would be a proper one, and if it should be adopted I think we should disagree to the amendment of the committee striking out the proviso. When these grain-bags have once paid their duty and the Government has received its revenue from them, it is simply another illustration of the embarrassment of trade and commerce to say that when they come in again empty or used in the way they were first brought in, they shall be subjected to a second tax. Section 9, which has been referred to, provides that grain-bags of American manufacture, when exported filled with American products, or exported empty and then filled with the produce of other countries, shall not be taxed. If a man has once paid the duty on an imported article to the Government, why should it not be for all intents and purposes the same as if it were an American manufacture? If the duty has once been paid, why should it be taxed a second time?

The provision as it now stands is rather a facility to commerce, and we need all our facilities to commerce, especially in regard to our exports. No embarrassment should be thrown around them. I trust therefore that the motion of the Senator from California will prevail, that we shall amend this section so as to provide that these grain-bags may be returned empty, and then that the section may be retained in the bill as the House passed it.

Mr. SPRAGUE. I desire to state to the Senate that if the amendment of the committee is not agreed to by the Senate, in my judgment not a year will pass before every manufacturer of grain-bags in the United States will be prostrated. In addition to the present competition you introduce a new element; and under such loose provisions as these new bags as well as old ones will inevitably come in, and the result will be the destruction of this branch of industry. I speak not in the interest of the constituents whom I immediately represent, but there are grain-bag manufacturers throughout the United States, and this provision of the bill will in my judgment evidently prostrate that employment.

Mr. STEWART. This repetition of tariffs on grain-bags is very much embarrassing the agricultural pursuits of the Pacific coast. The grain there is shipped in bags altogether, while here you ship in bulk to a great extent. It is suggested that if we retain this proviso and pay the duty on grain-bags but once it will embarrass the manufacture of grain-bags. Now, I submit that it is equally important to refrain from embarrassing wheat-growing as manufacturing grain-bags. It is quite as important an interest, and I cannot see any justice or propriety in embarrassing the great wheat-growing interest of the country for the simple purpose of building up manufactures and sustaining them. It seems to me unjust to impose a tariff to such an extent for such a reason, which falls directly on production, limits production, limits exportation, limits your revenues, and limits your commerce. Wheat-growing is carried on to the very verge of bankruptcy on the part of those who are producing wheat. They do it as long as they can live by it; and the slightest burden imposed upon them operates to destroy the production of wheat. It seems to me if they pay duty once on their bags they should not be required to pay it a second time. If you say this provision cannot be executed, that the Government officers cannot determine whether they are the same bags or not, then I say the great wheat-growing interest demands that this duty on grain-bags should be removed altogether, and it will have to be done. If this proviso cannot be executed Congress will be certain, in view of this oppressive burden upon wheat-growing, to remove the duty altogether.

Mr. MORRILL, of Vermont. In the committee I voted to retain this proviso, which is now desired to be retained by the Senator from California. It seems to me that it is carrying the doctrine of protection to an unreasonable extent to ask that, after an article has once paid duty and come in here, it shall not then stand on an equal footing with American manufactures. I would no more make a discrimination against an article after it has paid a duty and been once admitted here, than I would make a discrimination against a naturalized citizen coming in again from abroad.

Now, it is proposed to allow American bags to be exported and reimported without duty, but that we shall not allow foreign bags to be exported and reimported without duty. The Secretary of the Treasury is to prescribe regulations under which this is to be done. If he can prescribe regulations under which he will know whether a bag is an American bag or not, there is no more difficulty in prescribing regulations by which a foreign-made bag can be known. Therefore it seems to me unreasonable for us to stickle in the bark in relation to this proposition of the House. I shall vote for it.

Mr. SARGENT. Let us have a vote.

Mr. SPRAGUE. If the agriculturists of this country desire to extend the markets from whence they will derive their necessary articles three thousand or four thousand miles, then they are at perfect liberty to adopt a proposition of this sort; but I tell them they are injuring themselves at the same time, that they inevitably destroy one important branch of industry in the United States.

Mr. SARGENT. The amendment of the committee is to strike out the proviso. We want that voted down.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Chair understood the Senator from California to move to insert the word "empty."

Mr. SARGENT. That was put in without objection.

The PRESIDING OFFICER. Then the question is on agreeing to the amendment as reported by the committee, to strike out the proviso to the seventh section.

The amendment was rejected.

Mr. BAYARD. I desire to offer the following amendment to that section—

The PRESIDING OFFICER. The amendments of the committee have not yet been completed.

Mr. BAYARD. It will shorten the question to dispose of it now. I merely desire a vote upon it.

The PRESIDING OFFICER. It is in order to proceed first with the amendment of the committee. The Chair will receive the amendment of the Senator from Delaware by unanimous consent.

Mr. SHERMAN. I must insist on the regular order—on this bill especially. The Senator can offer his amendment afterward.

Mr. BAYARD. Very well.

The Chief Clerk resumed the reading of the bill, as follows:

Sec. 8. That on and after the date of the passage of this act the importation of the articles enumerated and described in this section shall be exempt from duty; that is to say—

Mr. SHERMAN. I desire to insert the words "from and after the 30th day of June, 1874," in lieu of the words "on and after the date of the passage of this act." I move that amendment.

The amendment was agreed to.

The next amendment of the Committee on Finance was in section 8, line 6, to strike out from the free list—

Peas exclusively for seed purposes.

The amendment was agreed to.

The next amendment was in section 8, line 7, to strike from the free list "quicksilver."

Mr. STEWART. I hope that will not be done. The price of quicksilver is enormously high, so much so that it is becoming almost an embargo on the production of precious metals and no revenues are derived from it. The only effect of the duty is to keep up the price, which has got now so very high that it is almost destructive to a great interest. There is no reason for putting a tariff on quicksilver.

Mr. SHERMAN. Upon representations made to the Committee on Finance we concluded, upon a hearing, that it was best not to put quicksilver on the free list, but to leave it where it is now. If, however, the Senators from California, where this quicksilver is produced and consumed, say to us that they think on the whole it ought to be on the free list, I for one am disposed to change my vote.

Mr. HAGER. California produces quicksilver and it is used in extracting gold and silver from the quartz in the States of California and Nevada and in the Territory of Utah. It is very extensively used and it is extensively produced in California; but there is now an existing monopoly, that is to say, the European producers of quicksilver have entered into a combination with the producers in America by which the price is put so high as almost to make it necessary to resort to some other process.

Mr. SHERMAN. I will ask the Senator from California if he and his colleagues on the Pacific coast desire quicksilver to be placed on the free list?

Mr. HAGER. Yes, sir; I believe all of us on the Pacific coast favor putting it on the free list in order to relieve ourselves from the difficulty in which we are placed at this time.

The amendment was rejected.

The next amendment of the Committee on Finance was in section

9, line 1, to insert the word "and" between "barrels" and "grain-bags;" and after the word "include," in line 7, to strike out "boxes, barrels, exported in shooks," and insert "shooks" when returned as barrels or boxes as aforesaid;" so that the section will read:

SEC. 9. That barrels and grain-bags, the manufacture of the United States, when exported filled with American products, or exported empty and returned filled with foreign products, may be returned to the United States free of duty, under such rules and regulations as shall be prescribed by the Secretary of the Treasury; and the provisions of this section shall apply to and include shooks, when returned as barrels or boxes as aforesaid.

The amendment was agreed to.

The next amendment was in section 11, after the word "oaths," in line 4, to strike out "to such collector within three months" and insert "generally;" after the word "generally" insert "and;" and in line 7 to strike out "Comptroller of the Treasury" and insert "Commissioner of Customs;" so as to read:

That the oaths now required to be taken by subordinate officers of the customs may be taken before the collector of the customs in the district in which they are appointed, or before any officer authorized to administer oaths generally; and the oaths shall be taken in duplicate, one copy to be transmitted to the Commissioner of Customs, and the other to be filed with the collector of customs for the district in which the officer appointed acts, &c.

The amendment was agreed to.

The next amendment was in the proviso to section 13, line 15, after the word "collected" to strike out "or from other circumstances," and after the word "allowances," in line 17, to insert "but no such allowance shall be made except within one year after such services are rendered;" so as to read:

Provided, That the Secretary of the Treasury, on the recommendation of the Commissioner of Internal Revenue, be authorized to make such further allowances, from time to time, as may be reasonable, in cases in which, from the territorial extent of the district, or from the amount of internal duties collected, it may seem just to make such allowances; but no such allowance shall be made except within one year after such services are rendered.

The amendment was agreed to.

The next amendment was in section 16, line 10, after the word "not" to insert "less than \$100 nor;" and in line 12, after the word "not" to insert "less than thirty days;" so as to read:

That any person who shall carry on the business of a rectifier, wholesale liquor dealer, retail liquor dealer, wholesale dealer in malt liquors, retail dealer in malt liquors, or manufacturer of stills, without having paid the special tax as required by law, or who shall carry on the business of a distiller without having given bond as required by law, or who shall engage in or carry on the business of a distiller with intent to defraud the United States of the tax on the spirits distilled by him, or any part thereof, shall, for every such offense, be fined not less than \$100 nor more than \$5,000, and imprisoned not less than thirty days nor more than two years.

The amendment was agreed to.

The next amendment was in section 18, line 33, after the word "packages," to strike out "where such assessments were," and in line 36, after the word "amended," to strike out "made;" so as to read:

Provided further, That any assessments of additional special tax against wholesale liquor dealers or retail liquor dealers, or against brewers for selling malt liquors of their own production at the place of manufacture in the original casks or packages, made by reason of an amendment to section 59 of the internal-revenue act approved July 20, 1868, as amended by section 13 of the act approved June 6, 1872, further amending said section 59 by striking out the words "malt liquor," "malt liquors," "brewer," and "malt liquors" in the three several paragraphs in which they occur, shall be, on proper proofs, remitted.

The amendment was agreed to.

The next amendment was to strike out section 23, as follows:

SEC. 23. That all acts and parts of acts imposing fines, penalties, or other punishment for offenses committed by an internal-revenue officer or other officer of the Department of the Treasury of the United States, or under any Bureau thereof, shall be, and are hereby, applied to all persons whomsoever, employed, appointed, or acting under the authority of any internal-revenue or customs law, or any revenue provision of any law of the United States, whether such persons are designated as officers or otherwise.

The amendment was agreed to.

The next amendment was to strike out section 24, as follows:

SEC. 24. That from and after the passage of this act any farmer or planter may sell, at the place of production, tobacco of his own growth and raising at retail directly to consumers to an amount not exceeding \$100 annually, subject to such rules and regulations as may be prescribed by the Commissioner of Internal Revenue.

Mr. MERRIMON. I trust this section will not be stricken out. The internal revenue at best operates very harshly upon the producers in the tobacco-growing sections, and it would be very hard if they could not sell a few pounds of tobacco without paying a tax. I do not care to discuss it; but on concurring in that amendment I call for the yeas and nays.

Mr. SHERMAN. I call the attention of the Senate to this section. If it is retained, as a matter of course it will defeat this bill. The object of the bill is merely to clear certain difficulties which have arisen in the administration of the tariff and internal-revenue laws. This section, which was inserted in the House of Representatives against the advice of the Committee on Ways and Means, allows every man at every farm, at every cabin, to raise \$100 worth of tobacco and sell it without regard to law. The passage of that section would, in my judgment, lose us eight or ten million dollars of tobacco tax. That was the statement made to us by manufacturers of tobacco in Virginia and manufacturers all over the country. The proposition to allow any person to sell of his own growth or raising \$100 worth of tobacco annually without any tax whatever, without being required to pay any tax, would, in the opinion of the tobacco manufac-

turers, and I think of all intelligent persons who have examined the subject, actually destroy the tax on tobacco, which now yields us twenty-five or thirty million dollars. I have no doubt we should lose from five to ten million dollars of revenue. Therefore if you want to collect the present large tax on tobacco you must extend it to all. The provisions of the old law are ample to enable every person who raises it to sell it to licensed dealers, and there is ample competition all over the country. This section no doubt would be a great convenience to persons who raise small quantities of tobacco, by allowing them to sell it for the use and consumption of their own neighborhood. But there is no reason for it, and its effect would be absolutely destructive of the whole tobacco tax.

I think I have said enough to direct the attention of Senators to the importance of this section and the necessity of striking it out. The Commissioner of Internal Revenue supposed as a matter of course this would be stricken out; but he said if this section were adopted it would very greatly impair the tobacco tax, and the harm done by this section would be ten times more than the good that would be secured by the passage of this bill.

Mr. MERRIMON. I think if the internal-revenue officers would see the law properly executed the difficulty that the Senator anticipates would not arise. I am the more anxious for the adoption of this section because this provision of the internal-revenue law in my country is more odious than any other. The people regard it as a very great and intolerable burden. I think the Government loses a vast deal of its revenue growing out of the fact that there is no exception of this sort. I do not care to discuss the question. I simply call for the yeas and nays upon it.

The yeas and nays were ordered; and being taken, resulted—yeas 33, nays 10; as follows:

YEAS—Messrs. Anthony, Bayard, Bontwell, Buckingham, Chandler, Clayton, Conover, Davis, Fenton, Ferry of Michigan, Flanagan, Frelighuysen, Hager, Hamilton of Maryland, Hamlin, Howe, Ingalls, Mitchell, Morrill of Vermont, Morton, Oglesby, Pease, Pratt, Ramsey, Scott, Sherman, Sprague, Stockton, Wadleigh, Washburn, West, Windom, and Wright—33.

NAYS—Messrs. Bogy, Cooper, Goldthwaite, Kelly, McCreery, Merrimon, Norwood, Ransom, Robertson, and Sanbury—10.

ABSENT—Messrs. Alcorn, Allison, Boreman, Brownlow, Cameron, Carpenter, Conkling, Cragin, Dennis, Dorsey, Edmunds, Ferry of Connecticut, Gilbert, Gordon, Hamilton of Texas, Harvey, Hitchcock, Johnston, Jones, Lewis, Logan, Morrill of Maine, Patterson, Sargent, Schurz, Spencer, Stevenson, Stewart, Thurman, and Tipton—30.

So the amendment was agreed to.

The next amendment was to strike out section 25, as follows:

SEC. 25. That upon all manufactured tobacco exported under the provisions of any act of Congress, the manufacturer exporting the same shall be entitled to a drawback equal to the amount of duties which shall be shown to have been paid upon imported licorice which has entered into the manufacture thereof; and the quantity so used in such manufacture shall, under rules and regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury be ascertained, and certified by the collector of internal revenue of the district from which the manufactured tobacco shall be removed for exportation to the collector of the port whence the same shall be exported, by whom the same shall be duly examined, and the amount of duties reported for drawback in accordance with the regulations of the Secretary of the Treasury; and the same shall be allowed and paid as in other like cases of drawback of duties on manufactured articles exported.

The amendment was agreed to.

The next amendment was to strike out section 29, in the following words:

SEC. 29. That on and after the 1st day of July next there shall be levied and paid a tax on all sales of stocks, bonds, gold and silver bullion, coin, and other securities, at the rate of $\frac{1}{100}$ of 1 per cent. on the amount of the sale thereof; that every person, firm, or corporation engaged in the business of selling stocks, bonds, gold and silver bullion, coin, and other securities, either for their own account or on the account of others, shall keep a true and accurate record thereof, under oath, that the same is true and correct, to the collector of the district where such business is carried on, on or before the 1st and 15th day of each month, and the collector shall thereupon assess and collect a tax of $\frac{1}{100}$ of 1 per cent. on the gross amount of such sales. The said list or return shall be made in such form or manner as may be prescribed by the Commissioner of Internal Revenue.

Mr. WRIGHT. I wish to call the attention of the chairman to the twenty-eighth section, which is an extension of the time for the redemption of direct-tax lands. I ask whether there was not a bill passed here on Saturday covering that ground?

Mr. SHERMAN. It passed here, but it may not pass the House. I think the same provision had better be made here also.

Mr. WRIGHT. I thought it was a House bill?

Mr. SHERMAN. No; it was a Senate bill. I think that section had better be retained here.

The PRESIDING OFFICER. The question is on the amendment striking out the twenty-ninth section.

The amendment was agreed to.

Mr. SCOTT. That is the last of the amendments of the committee, I believe.

The PRESIDING OFFICER. The amendments of the committee are completed.

Mr. SCOTT. Mr. President, two years ago, when the act of 1872 was passed, I announced upon the floor of the Senate that I hoped there would be no further change in the tariff laws for five years to come. It was with exceeding reluctance that I agreed to report a bill making even these changes unless a general revision was necessary; but for the purpose of securing some needed changes in the internal-revenue laws and correcting some revealed defects in the act, these few amendments have been agreed to, with one or two which

are necessary to increase the revenue and which require immediate action.

There are several subjects upon which I should like to amend this bill, particularly by a repeal of the second section of the act of 1872, by imposing a tax on the deposits in national banks and in private banks on which they pay interest—I mean deposits upon call, or for a period of not more than thirty days, and also a provision with regard to the limitation of suits under the internal-revenue laws. All these I should like to offer; but it is manifest that if we begin to offer amendments on this bill we shall defeat all that is in it, and probably defeat action upon the subject altogether. I therefore shall refrain for the present from offering any of these amendments, in the hope that we can obtain immediate and favorable action upon the bill; but if other Senators deem it their duty to offer amendments to this bill so as to give rise to any protracted debate, then of course I shall not only feel at liberty, but shall deem it my duty to my constituents to offer the amendments in which I feel such great interest.

Mr. HAMLIN. The Senator from Pennsylvania has expressed precisely what is my own position. There are sundry amendments which I would myself very much like to offer to this bill, amendments which I deem important, but acting precisely in that line of duty which guides and directs the Senator from Pennsylvania, I shall refrain from offering any amendments, believing it better and wiser now to do the little—and there is something—which this bill accomplishes than hazard all by attempting to do that which we cannot accomplish.

Mr. DAVIS. I ask that on the vote upon section 24 my vote be changed from "yea" to "nay," from the fact that I voted under a misapprehension. I supposed the question was on agreeing to the section. It will not change the result.

The PRESIDING OFFICER. That cannot be done. The rule positively prohibits it.

Mr. DAVIS. Then I shall reserve section 24 for separate action in the Senate.

The PRESIDING OFFICER. The Senator accomplishes his object by making the statement to go in the RECORD.

Mr. BAYARD. I have heard what the Senator from Pennsylvania [Mr. SCOTT] has said and I concur with him. I will not profess that this measure meets my approbation. Neither the frame-work of the measure nor the tendencies are those that I desire, and I am sorry that the tariff question should be submitted to this kind of patch-work at the end of the session. Yet nevertheless the bill has been prepared, and I do not propose to risk the labor of so many gentlemen by making amendments, although I consider them just and proper. There are several that I desire earnestly to offer and earnestly to recommend to the Senate; but looking to the expression of opinion by the Senator from Pennsylvania and others that they do not propose at this stage to embarrass and perhaps defeat the entire measure, I shall not press the amendments that I had intended to offer or make the opposition to many that I had intended to make. I think on all these questions of a general public law there must be a consideration of the entire case and a consideration of the labors and the opinions of our associates here as well as of our own. I think that is a proper and catholic spirit of legislation, and for that reason I shall follow the example of my friend from Pennsylvania, and abstain from impeding the passage of this bill and hazarding the loss of the bill by amendments offered at this stage.

Mr. FENTON. In view of what has been said by other Senators, I feel constrained to withhold several amendments which I had intended to offer to this bill. I am satisfied that it is the sense of the Senate to pass the bill in the shape recommended by the Finance Committee without further amendment or change. So, while I feel that the bill is in some respects very unsatisfactory, acting as do other Senators who also have a desire to further amend the bill, I shall not urge the amendments which I had intended to present.

Mr. FRELINGHUYSEN. I desire the ear of the Senator from Ohio. This bill, by reason of the amendments already passed, will have to go to the House again, as I understand.

Mr. SHERMAN. I will say that the proper committee of the House have already considered every amendment that has been adopted.

Mr. FRELINGHUYSEN. I have a number of amendments which I should like to offer, and I am very sorry that the bill has not been considered at a time when it could be amended. There is one amendment which I would ask the Senator from Ohio whether it would embarrass the bill to make or not, and that is on the sixth page, ninth and tenth lines of section 8. There is a manufactory of spurs and stiltis which has been established in this country. The free list of this bill includes "spurs and stiltis used in the manufacture of earthen, stone, or crockery ware." All parties engaged in the manufacture of earthen, stone, and crockery ware, as well as these manufacturers of spurs and stiltis, desire the item stricken from the free list. I do not suppose it would be any embarrassment just to strike that from the free list.

Mr. SHERMAN. That little item of spurs and stiltis was very carefully considered in both Houses. We heard the parties on both sides and we came to the conclusion that it was better to leave it where it is now. It would embarrass the bill to take it off the free list.

Mr. FRELINGHUYSEN. There is but one manufactory in the United States, and that is in New Jersey.

Mr. SHERMAN. We know that; but as a matter of course all these people have to use the stiltis.

Mr. FRELINGHUYSEN. There is no other State where they make as much crockery or earthen ware as in New Jersey, and the manufacturers there request it. I move to strike out those lines. It will not create any embarrassment.

Mr. SHERMAN. I will state that I have quite a number of papers about this particular item, and I can make a statement that will satisfy the Senate that we are right. The House committee put this in, and the Senate committee after full examination concurred. I do not want to debate it. I hope the question will be put and the amendment voted down.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey to strike out on the ninth and tenth lines of section 8.

Mr. MORRILL, of Vermont. This is a very small manufacture, and it has got its growth in New Jersey, as the Senator from New Jersey says. It seems to me that it is a hardship to strike it down. I hope therefore that the amendment of the Senator from New Jersey will prevail.

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

The Chair put the question and declared that the noes appeared to prevail.

A division was called for.

Mr. SHERMAN. If the Senate is to be divided on this question, I desire to send for some papers to show the reasons why the committee acted as they did. If we open the door to amendment, there is an end to the bill.

The question being again put, the amendment was rejected—ayes 10, noes not counted.

The bill was reported to the Senate as amended.

Mr. BOUTWELL. I wish to reserve the amendment in regard to the duty on tin plates unless the suggestion I made to the chairman of the committee should lead him to change that.

Mr. SHERMAN. I have no objection to the reservation.

The PRESIDING OFFICER. The remaining amendments made as in Committee of the Whole will be considered as concurred in.

Mr. WRIGHT. I desire that the vote in Committee of the Whole on the last section shall be reserved for action in the Senate.

The PRESIDING OFFICER. That amendment will be reserved. The question is on concurring in the other amendments made as in Committee of the Whole.

Mr. DAVIS. I ask for a separate vote on the twenty-fourth section, because I voted upon it under a misapprehension.

The PRESIDING OFFICER. That will be reserved.

The remaining amendments were concurred in.

The PRESIDING OFFICER. The first reserved amendment will be read.

The CHIEF CLERK. On page 4, line 16, the Senate as in Committee of the Whole struck out "quarter" and inserted "tenth" after "one," so as to make the clause read:

On tin in plates or sheets and on terne and taggers' tin, 1.1 cents per pound.

Mr. SHERMAN. I do not understand the Senator from Massachusetts as proposing any amendment to the section, but he doubts the policy of a specific duty on tin plates.

Mr. BOUTWELL. I do not object to the rate of duty, but I do apprehend that there will be frauds upon the revenue in consequence of a change from *ad valorem* to specific duties. I am not sufficiently acquainted with the mechanical processes to state as a matter of opinion even what the results may be; but the duty on Banca tin at 15 per cent. amounts to about $4\frac{1}{2}$ cents a pound; that is, the metal called tin. I can imagine from what I have seen and heard that plates which are of iron may be heavily loaded with tin beyond the quantity required for the ordinary purposes to which tin plates are put, and received in this country at $1\frac{1}{2}$ cents a pound; and then this extra loading may be taken off and tin introduced at $1\frac{1}{2}$ cents instead of $4\frac{1}{2}$ cents a pound. I make the suggestion. I do not know what will happen, but that is what I anticipate.

Mr. SHERMAN. If the Senator from Massachusetts could suggest to me a more specific definition of the article than is contained in these two lines, I would accept his definition. As a matter of course tin in its pure state is a very expensive article; but tin in plates or sheets as in the ordinary article of commerce is quite different. The great body of it is iron. As a matter of course, this duty of $1\frac{1}{2}$ cents a pound is on "tin in plates or sheets and on terne and taggers' tin." This does not change the existing rate of duty on the article the Senator mentions; but he thinks that by fraud or by the free use of the article with another, making a new article, the revenue may be defrauded. That may be so now. The same opportunity might apply under a specific as an *ad valorem* duty.

Mr. BOUTWELL. The honorable chairman will see the difference, that if iron plates were now under an *ad valorem* duty heavily loaded with Banca tin, that is the pure metal, beyond the quantity necessary for the uses to which tin plates are applied, the cost of the plates on the other side would be augmented precisely in proportion to the quantity of the pure metal used. But now if you put a specific duty by the pound upon tin plates, the weight of which ordinarily is chiefly iron, there is an opportunity furnished for those who might be disposed to avail themselves of it to load these plates heavily with the pure metal and introduce the whole body at 1.1 cents a pound and

then remove the surplus quantity of Banca tin which by itself would be subject to a duty of about 4½ cents a pound, and get an advantage of ¾ cents a pound on the importation of the pure metal.

Mr. SHERMAN. The only change proposed by this bill is a change that has been recommended by the Treasury Department, has been demanded by the dealers in this article, has been called for by the custom-house officers and by everybody, and it is recommended by the President, that is that we should as far as practicable change the *ad valorem* into specific duties. The duty now proposed to be imposed on tin in sheets is a little higher than the present *ad valorem* duty; but the present *ad valorem* duty has given rise to a great deal of litigation, to a great deal of trouble, and many lawsuits and controversies without number. It has given rise to oppression and abuse as charged on one side, and to fraud on the other.

Under these circumstances it is of the highest importance to have a specific duty if practicable on the article of tin in plates; and the suggestion now made, just at the heel of this debate, is the first suggestion I have ever heard from any one that this article was more subject to frauds under a specific duty than under an *ad valorem* duty. If the Senator would suggest to me an amendment providing that if tin plates were charged more than their due and ordinary proportion with pure tin, they should be confiscated or should be subject to an *ad valorem* duty, I would accept the amendment without hesitation; but there can be no difficulty between now and the next session. I do not believe there is any danger of surcharging tin plates with too much tin in order to take it off here and evade a trifling duty. I think it is rather a fanciful danger than a real one. At any rate, it is one that has never been suggested to the committee of either House, and never so far as my attention has been called to the subject been mentioned by any one either in the customs-revenue service or in the trade. I hope therefore the Senator will run the risk till the next session of Congress at least of any possible fraud.

Mr. BOUTWELL. The committee must run the risk. I only felt it to be my duty with the present ideas I have to make known to the committee what I fear.

Mr. SHERMAN. If the Senator had made this difficulty known to the committee earlier, when we were considering the bill, we should probably have tried to guard against it. I have invited him to suggest an amendment, but he is not now prepared to do so.

Mr. BOUTWELL. No amendment would avail except to strike out the line. You cannot put a specific duty on tin plates that would admit of their importation and guard against the fraud which I apprehend.

Mr. MORRILL, of Vermont. I think that the idea of the Senator from Massachusetts is entirely imaginary. In the first place, if the tin should be melted off these plates what would the iron plates be worth? In the next place, why should the importer go to that immense amount of labor to get the tin when he can import it free without any such trouble? It is now free in the shape of raw material.

Mr. BOUTWELL. Do you say so?

Mr. MORRILL, of Vermont. Yes, sir.

Mr. BOUTWELL. Where is the law?

Mr. MORRILL, of Vermont. Here it is. [Handing a book to Mr. BOUTWELL.]

Mr. EDMUNDS. If it is free of course there is no danger; but if it is not free, it could be done just as easy as not.

Mr. BOUTWELL. I was looking at the law of 1871, which imposes a duty of 13 per cent. I see now there is no danger.

Mr. SHERMAN. It is all right then?

Mr. BOUTWELL. Yes.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The PRESIDING OFFICER. The next reserved amendment is to strike out the twenty-fourth section.

The Chief Clerk read the section, as follows:

SEC. 24. That from and after the passage of this act any farmer or planter may sell at the place of production tobacco of his own growth and raising at retail directly to consumers to an amount not exceeding \$100 annually, subject to such rules and regulations as may be prescribed by the Commissioner of Internal Revenue.

Mr. DAVIS. That is a section in which the State that I in part represent has a considerable interest and the people living in that region of country. I ask for a division on the section. I do not wish to take time by calling for the yeas and nays.

The PRESIDING OFFICER. The question is on concurring in the amendment to strike out the twenty-fourth section.

The amendment was concurred in; there being on a division—ayes 38, noes 13.

The PRESIDING OFFICER. The next reserved amendment is to strike out the twenty-ninth section.

The Chief Clerk read the section, as follows:

SEC. 29. That on and after the 1st day of July next there shall be levied and paid a tax on all sales of stocks, bonds, gold and silver bullion, coin, and other securities, at the rate of 1/10 of 1 per cent. on the amount of the sale thereof; that every person, firm, or corporation engaged in the business of selling stocks, bonds, gold and silver bullion, coin, and other securities, either for their own account or on the account of others, shall keep a true and accurate record thereof, under oath, that the same is true and correct, to the collector of the district where such business is carried on, on or before the 1st and 15th day of each month, and the collector shall thereupon assess and collect a tax of 1/10 of 1 per cent. on the gross amount of such sales. The said list or return shall be made in such form or manner as may be prescribed by the Commissioner of Internal Revenue.

The amendment was 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. 828) for the relief of Alexander Henderson.

The message also announced that the House had passed a bill (H. R. No. 3506) for the relief of William Tod Helmuth, of New York; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the concurrent resolution of the Senate for the printing of two thousand copies of the report of the Chief Signal Officer for 1873, to be printed and bound for the use of the Secretary of War.

The message also announced that the House had agreed to the concurrent resolution of the Senate for the printing of three thousand extra copies of the report of the Superintendent of the Coast Survey for the year 1873 for the use of the Superintendent of the Coast Survey.

The message further announced that the House had passed a concurrent resolution for the printing of the reports of the United States commissioners to the Vienna exposition.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on the 20th instant approved and signed the following acts:

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 Sofield, a pensioner;

An act (S. No. 536) granting a pension to Livanna Ingraham;

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 (S. No. 954) prohibiting the publication of the revised statutes of the United States in the newspapers at the expense of the United States;

An act (S. No. 311) for the relief of Joseph Montanari;

An act (S. No. 595) for the relief of Benjamin Cooley and James W. Boswell;

An act (S. No. 176) to encourage the establishment of public marine schools.

The message also announced that the President had this day approved and signed the following acts:

An act (S. No. 482) to authorize the construction of a bridge over the Willamette River at Salem, in the State of Oregon;

An act (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;

An act (S. No. 375) for the benefit of the Kentucky Agricultural and Mechanical Association;

An act (S. No. 486) to extend the act of March 3, 1873, entitled "An act for the extension of time to the Saint Paul and Pacific Railroad Company for the completion of its road;" and

An act (S. No. 688) referring the claim of the owners of the schooner Ada A. Andrews to the Court of Claims.

THE POST-ROUTE BILL.

Mr. RAMSEY. Now, Mr. President, I move that the Senate resume the consideration of House bill No. 3604, sometimes called the post-route bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3604) to establish certain post-routes.

The PRESIDING OFFICER. The bill will be read.

Mr. MORTON. I hope nobody wants to hear that read. I ask unanimous consent to dispense with the reading.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business. It will take but a short time.

Mr. RAMSEY. Let this bill pass first.

Mr. EDMUNDS. It will not pass without reading.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

Mr. DAVIS. I think it very important that the post-route bill should be passed.

The PRESIDING OFFICER. The motion is not debatable. The question is on the motion of the Senator from Vermont.

The motion was not agreed to.

EXECUTIVE BUSINESS.

Mr. EDMUNDS. There is some business that I have in charge and some in which I feel a very deep interest, and nothing but this post-

route bill being up, I ask to have the eighteenth rule read, and then I will see whether I can say anything to the Senate that public interests require to be stated or not.

The PRESIDING OFFICER. The rule will be read.

The Chief Clerk read as follows:

18. On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the Presiding Officer shall direct the gallery to be cleared; and during the discussion of such motion the doors shall remain shut.

Mr. EDMUNDS. I move that the doors be closed under the eighteenth rule.

Mr. FRELINGHUYSEN. I second the motion.

Mr. EDMUNDS. The motion is seconded by the Senator from New Jersey.

Mr. SARGENT. I should like to have the rule read again.

The PRESIDING OFFICER. The rule will be read.

The Chief Clerk read Rule 18.

The PRESIDING OFFICER. Is the motion seconded?

Mr. FRELINGHUYSEN. Yes, sir.

Mr. HAMLIN. The post-route bill is now before the Senate; it is within our control now. I suggest that we had better go into executive session, and when we come out the bill will be up; there will be no necessity for a vote to take it up. Making this suggestion with the consent of the Senator from Vermont, other business having now intervened, I move that the Senate proceed to the consideration of executive business.

Mr. RAMSEY. Very well.

Mr. SHERMAN. Allow me a moment. I shall vote for the motion of the Senator from Maine, but before the precedent now sought to be set is established, I wish to say that before a Senator can of his own will turn everybody out of the galleries and close the Senate he must state himself, upon his responsibility as a Senator, that upon the pending question, in the language of the rule, the public interest demands that the galleries should be cleared. When he has made that statement under the rule he probably can at any time clear the galleries.

Mr. EDMUNDS. This is an interesting question.

Mr. SHERMAN. The Senator ought to state—

Mr. EDMUNDS. The Senator would be a little wiser if he would read the rule.

Mr. SHERMAN. I ask the Senator to read it.

Mr. EDMUNDS. I will read it:

On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy—

Mr. SHERMAN. He must state his opinion.

Mr. EDMUNDS. Be kind enough to let me read the rule through—the Presiding Officer shall direct the gallery to be cleared; and during the discussion of such motion the doors shall remain shut.

I made the motion and stated that there was business to be discussed which I thought (as of course I must think as to executive business) requires secrecy, and business of high importance. Thereupon I make the motion that the doors be shut, and I have a precedent for what I say, a motion made by the colleague of my friend from Maine, now deceased, (Mr. Fessenden,) where we had a question which ought to be considered in secret session, not "the pending question" which was before the body on the bill that happened to be up for the relief of John Jones, or for a post-route, but matters within the possession of the Senate, and the motion was made, the matter was considered, and the doors were closed. Although it is of no consequence at this time probably, for everybody now, I believe, is willing to go into executive session, I beg leave to state to the Senator from Ohio that he is mistaken in supposing that a Senator must state that the pending question before the Senate it is necessary to discuss in secrecy. The question is whether there is any business before the Senate which in the conscientious judgment of a Senator requires that the doors should be immediately closed that it may be considered.

The President of the United States may send a message to this body at this moment of the highest importance to the national interests, of a confidential character, and it may be that an opposition to the Administration would say, "We intend to drag this session through before you can have the message communicated to the Senate for its action, in order that it may judge whether it will prolong its session or whatever may be necessary." And therefore, inasmuch as Senators cannot say that the post-route bill requires secrecy, this motion cannot be made. The Senator has forgotten the history of this ancient rule, and the motives for it. What were they? When the Senate was small, and it was supposed every Senator understood what the confidential business before the Senate was, when any subject that a Senator thought required secrecy and action was before the Senate—I do not mean up for debate in public, but in possession of the Senate, on its table yet unopened—he might take the responsibility, subject of course to public disgust and all that sort of thing by his brother Senators if he was making a frivolous demand, of having the doors closed.

I only mention this in vindication of the rule and in vindication of myself. I can state that I think I am entirely within the eighteenth rule, and that I have a perfectly satisfactory motive for it.

Mr. SHERMAN. Before the question is put—lest this might be a precedent, and a very inconvenient one in practice—I wish again to

call attention to the language of the rule to show the meaning of it, and I could go into the history of it if I chose:

On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy.

The "business" must be pending under discussion. Then any Senator has a right to say, "I desire to make some statement to the Senate in regard to this question under discussion which in my opinion demands secrecy; I do not choose to give it to the galleries around me;" and on that motion being seconded then the Senate must perforce, willing or unwilling, give the opportunity to the Senator to state what he desires, in confidence, to the Senate. That is the rule. But I have no objection to an executive session now. I agree that we ought to proceed to the consideration of executive business, but I do not want this to be made a precedent.

Mr. EDMUNDS. It has been acted on over and over again, and my construction is the safest way.

The PRESIDING OFFICER. It is moved that the Senate now proceed to the consideration of executive business.

The question being put, there were, on a division—ayes 21, noes 11; no quorum voting.

Mr. SARGENT. We had better have the yeas and nays. ["No!" "No!"]

The PRESIDING OFFICER. There is a quorum present and the Chair will put the question again.

The question being again put, there were, on a division—ayes 27, noes 14.

So the motion was agreed to.

DETROIT ARSENAL.

Mr. KELLY. I wish to make a report before the doors are closed. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3435) to provide for the sale of the buildings and grounds known as the Detroit arsenal, in the State of Michigan, to report it back with amendments; and I ask for the present consideration of the bill.

Mr. EDMUNDS. That will not do.

The PRESIDING OFFICER. The bill will be placed on the Calendar, objection being made to its present consideration.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After three hours spent in executive session the doors were reopened at four o'clock and five minutes p. m.

While the doors of the Senate Chamber were closed the following legislative business was transacted:

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 732) supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes;"

A bill (S. No. 828) for the relief of Alexander Henderson;

A bill (S. No. 669) referring the petition and papers in the case of Robert M. and Stephen A. Douglas, in so far as the same relates to cotton seized, to the Court of Claims;

A bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery;

A bill (H. R. No. 3772) for the relief of John D. Young, of Kentucky;

A bill (H. R. No. 2246) relating to circuit courts of the United States for the districts of Alabama; and

A bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes, as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. PHILETUS SAWYER of Wisconsin, Mr. GEORGE W.

McCrary of Iowa, and Mr. ERASTUS WELLS of Missouri, managers at the same on its part.

RIVER AND HARBOR BILL.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

On motion of Mr. CHANDLER, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent it, was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. CHANDLER, Mr. BUCKINGHAM, and Mr. DENNIS.

WITHDRAWAL OF PAPERS.

On motion of Mr. WRIGHT, it was

Ordered, That W. R. Brown have leave to withdraw his petition and papers from the files of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. No. 975) to amend the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870, was read twice by its title, and referred to the Committee on Finance.

MANAGERS OF HOME FOR DISABLED SOLDIERS.

By unanimous consent, the joint resolution (H. R. No. 114) to fill a vacancy in the board of managers of the National Home for Disabled Volunteer Soldiers was read three times, and passed.

STEAMBOAT KITTY STRANG.

By unanimous consent, the bill (H. R. No. 1767) to change the name of the steamboat Kitty Strang was read three times, and passed.

REGISTRATION OF DEATHS IN THE DISTRICT.

By unanimous consent, the bill (H. R. No. 773) to further define and enlarge the powers and duties of the board of health of the District of Columbia was read three times, and passed.

SCHOONER DELMAR.

By unanimous consent, the bill (H. R. No. 3211) to change the name of the schooner Delmar was read three times, and passed.

PAY TO DISCHARGED EMPLOYÉES.

By unanimous consent, the joint resolution (H. R. No. 115) for the relief of certain clerks and employés of the United States was read three times, and passed.

WILLIAM TOD HELMUTH.

By unanimous consent, the bill (H. R. No. 3506) for the relief of William Tod Helmuth, of New York, was read three times, and passed.

CAPTAIN HALL'S WIDOW.

On motion of Mr. ALLISON, the bill (H. R. No. 3422) for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall, 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.

ORDER OF BUSINESS.

The doors having been opened,

Mr. FRELINGHUYSEN. We have received from the House of Representatives the report of the committee of conference on the Geneva award bill. I move to proceed to its consideration.

Mr. RAMSEY. That postpones the post-route bill, which is regularly before the Senate.

Mr. WEST. I desire to offer a report from the committee of conference on the post-office appropriation bill, having been advised by the member in charge from the House that the House is waiting to consider that report. I ask the Senate to judge between the two reports, whether they will consider the Geneva conference report or the report on the post-office appropriation bill, with almost the assurance that the debate on the Geneva award bill will detain the Senate some hours.

Mr. RAMSEY. May I say a word in behalf of the bill that I have been urging for two weeks and have at last got before the Senate? There seems to be some malign purpose on the part of gentlemen to crowd out that bill and prevent its passage during this session. I hope gentlemen will defer their reports until the post-route bill is disposed of. I ask the Chair what will be the effect of entertaining these propositions or either of them? Would it displace the bill now up?

The PRESIDENT *pro tempore*. The post-route bill being before the Senate, the Senator from New Jersey or any other Senator can move to postpone that bill.

Mr. FRELINGHUYSEN. I move to postpone that bill.

Mr. RAMSEY. I hope that will not be done.

Mr. STEVENSEN. I suggest to the Senator from New Jersey, as I do not wish to antagonize the presentation of his report upon the Geneva award, that he had better fix some hour this evening for con-

sidering it; and I will state my reason for this suggestion. There are a great many bills from the House, not only the bill of the Senator from Minnesota, but other bills from the House, of an important character, each of which it will not take a minute to pass; and by fixing a certain hour when we can reach the Geneva-award bill, which is certain to elicit debate and perhaps consume the whole of the evening, we can attend to that without losing a great many bills which we can now pass.

Mr. FRELINGHUYSEN. I shall ask the Senate to vote upon the motion which I have made. The Geneva-award report ought to elicit no debate whatever, for the result of the conference which has been arrived at pays those that every member of the Senate and every member of the House of Representatives voted should be paid, and it pays no one else, and it leaves the fund subject to future disposition and to claims by the war-premium men, the insurance men, and those who have lost by other vessels than those included in the bill. The simple question is whether, when a conference has arrived at an agreement which pays those whom every member of Congress of both Houses say should be paid, the Senate will deprive them of their money.

Mr. WEST. I understand the Senator from New Jersey moves to take up the report of the conference committee on the Geneva award.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves to postpone the pending order and proceed to the consideration of that report.

Mr. WEST. I move to amend the motion of the Senator from New Jersey, that the Senate proceed to the consideration of the conference report on the post-office appropriation bill.

The PRESIDENT *pro tempore*. That motion is not in order.

Mr. RAMSEY. I hope the Senate will vote down both motions and allow the post-route bill to pass. It cannot possibly occupy over thirty minutes.

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

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

The yeas and nays were ordered.

Mr. EDMUNDS. Mr. President, I do not think that a question of this importance ought to be disposed of on the run. At the last session of Congress we passed the bill through the Senate as it was passed at this session almost word for word. It went to the House of Representatives and was met with an amendment of the character substantially of that of this year. We had a conference; and the conferees on the part of the Senate, containing my honorable friend from Ohio [Mr. THURMAN] as one of them, after we had exhausted all other means of getting at a result that would dispose of the whole question, proposed to the House conferees that we had just passed the Senate bill which provided for a class of citizens in respect to whom everybody said indemnification ought to be made and would remit to the next Congress the question which other citizens raised with the Government in respect to their claims. The whole body of the Senate conferees, I say, a year ago, including the Senator from Ohio, proposed to the House conferees, inasmuch as we could all agree as to one class of our citizens, that justice, good faith, honor, and every sentiment which belongs to fair dealing required us to provide for them now, and leave questions that we could not solve to be settled in the future. The House conferees refused to do that, and insisted that we should do more or the less, as the case might be, or nothing should be done. The House stood by them upon that, and accordingly nothing was done.

This year the conference again meets upon the same substantial attitude between the two Houses, and the House conferees, instead of refusing to do that which they refused to do last year, pressed by this sense of justice to people whom all sides agree ought to have their money, have agreed to a report which simply gives to the owners of the vessels who were uninsured, and their captains and crews, the money that they are entitled to, and in terms leaves the subject of other disputed questions and claims to the future disposition of Congress. Can anybody say that that is not equitable and right? That is all it does.

Then when you come to the suggestion of the other Senator from Ohio, [Mr. SHERMAN,] that the clause about the payment in gold being stricken out doubles the claim, let me tell the Senator, from a pretty careful investigation that we made of that subject, that the clause paying in gold nearly doubles the claims. There is the difference. I suggested that to the Senate in the confusion and hurry when the bill was up before; but as nobody was listening, as I assume, the motion of the Senator from Ohio was made and carried putting in the clause providing for payment in gold, which makes an arbitrary standard when gold and the values of shipping and of the cargoes and all other things were different at different times. Some men by this gold rule would be almost ruined in getting their pay now; others would make large profits, depending upon the particular period of time when the destruction took place, as all our values, as everybody knows, were currency values. So we pay the currency value, which gives justice and uniformity to all classes of the people.

Mr. President, I shall be surprised and sorry to see the Senate of the United States say to the uninsured owners of the ships that were sunk on the high seas or burned up, and to their crews and officers and to the merchants who had uninsured property on board those ships, "We refuse to give you your money that our agents a year ago in-

sisted should be given and we did, but the House failed to do it; and now that the House has done it, we will turn around and refuse to do this which we unanimously agreed ought to be done, because we are unable to agree with the House to do something else." That is precisely what the question is; and, as I say, a year ago on that question the conferees of the Senate were unanimous in their action, and so reported to the Senate of the United States.

Now, I do not see upon what ground it is that my friend from Ohio who sits farthest from me [Mr. THURMAN] should find it to be his duty to refuse to do this on account of his views upon another branch of the subject, when that other branch of the subject is left open for the action of the next session of Congress. Here is a class of our citizens whose vessels and cargoes have been destroyed on the high seas and in respect of whom the United States has recovered a certain indemnity, and as to those everybody says they ought to have the measure of the just losses they have incurred. This report of the conference committee gives it to them and does not undertake to decide any other question at all. It leaves all the rest of the question exactly where it was before, so that at a future session any insurance company, any war-premium man, any person injured by the cruisers outside of the time named, stands on exactly the same footing where he stands at this moment to have his claim considered. Yet here are these people whose claims we have considered and all parties agree ought to have their money, some of them sailors and officers who have little else in this world to rely upon, some of them whose whole property was involved in these ships uninsured that were destroyed, and who have now been delayed too long, upon the simple ground that there are questions connected with this subject which we cannot now decide.

It does appear to me that it would be an inexcusable act of injustice to fail to agree to report, inasmuch as it appears to me clearly from the reading of it that all other questions are left without any prejudice to the rights of any claimant who may come forward at the next session.

Mr. FLANAGAN. I do hope that the bill before the Senate will not be postponed. It is an important one. Every State is directly and deeply interested in a post-route bill. The other is a matter as to the merits of which I have nothing to say, but in due time it will come up. But the bill regularly before the Senate now must necessarily be returned to the House for action on our amendments, and I hope the Senate will stand by it and dispose of it.

Mr. WEST. What is the pending question?

The PRESIDENT *pro tempore*. The pending question is, will the Senate postpone the post-route bill and proceed to consider the report of the committee of conference on the Geneva award bill, upon which the yeas and nays have been ordered.

Mr. THURMAN. If the report of the conference committee were clearly and unequivocally, without any ambiguity whatever, what the Senator from Vermont supposes it to be, and if there were no other thing in it that was objectionable, there would not have been a divided report from the Senate managers. But I apprehend that that is not the nature of this report; and whenever it shall be taken up, I hope to be able to satisfy the Senate that the Senator from Vermont is mistaken in what he supposes to be the character of this report. I think that which is reported is an extremely dangerous proposition, and I hope that I may have the attention of the Senate, when the time comes whenever it shall be taken up, to explain why I think so. I am as willing and as anxious as the Senator from Vermont or anybody else to pay, and to pay without one moment's delay, those persons who we all agree are entitled to be paid. The Senate knows I was last year, and I am so again; but I do not want anybody to be deceived about the effect of this bill should it become a law.

But the question now is shall the other measure be postponed and this taken up, and under that I have no right to discuss the merits of this conference report. I therefore refrain from saying anything about them until the report shall be taken up.

Mr. RAMSEY. I hope the Senate will now adhere to the post-route bill.

Mr. SHERMAN. I shall vote for taking up the first conference report that is offered. Here we are in the last hours of the session and we have to act upon both these reports, and we must do it to-night. There is no help for it, if we set sixty hours in consecutive session. I hope we shall waste no time. I shall vote to consider the first conference report that comes in. Which of these reports has now the preference?

Mr. FRELINGHUYSEN. This.

Mr. SHERMAN. What is the question?

The PRESIDENT *pro tempore*. The question is, Will the Senate postpone the post-route bill and proceed to the consideration of the report of the committee of conference on the Geneva award bill?

Mr. SHERMAN. I shall vote to postpone everything to take up a conference report at this stage of the session.

Mr. WEST. To take up the Geneva award bill now is absolutely to kill the post-office appropriation bill.

Mr. FRELINGHUYSEN. O, no!

Mr. WEST. Yes; this Geneva award bill will be talked all night. The question being taken on Mr. FRELINGHUYSEN's motion by yeas and nays, resulted—yeas 15, nays 38; as follows:

YEAS—Messrs. Alcorn, Anthony, Boutwell, Buckingham, Carpenter, Chandler,

Edmunds, Frelinghuysen, Gilbert, Morrill of Maine, Morrill of Vermont, Oglesby, Sherman, Washburn, and Wright—15.

NAYS—Messrs. Bayard, Boggs, Boreman, Clayton, Conover, Cooper, Davis, Fenton, Flanagan, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Kelly, Lewis, McCreery, Merrimon, Mitchell, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Sargent, Saulsbury, Sprague, Stevenson, Stockton, Thurman, Wadleigh, West, and Windom—38.

ABSENT—Messrs. Allison, Brownlow, Cameron, Conkling, Cragin, Dennis, Dorsey, Ferry of Connecticut, Ferry of Michigan, Hamilton of Texas, Johnston, Jones, Logan, Morton, Norwood, Schurz, Scott, Spencer, Stewart, and Tipton—23.

So the motion was not agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes; and

A joint resolution (H. R. No. 59) amending joint resolution of April 16, 1872, relating to a statue of the late Admiral Farragut.

DISTRICT GOVERNMENT—JOINT COMMITTEE.

The PRESIDENT *pro tempore*. Under section 5 of an act for the government of the District of Columbia, and for other purposes, being House bill No. 3680, a joint select committee is provided for, two members to be appointed by the Presiding Officer of the Senate and two by the Speaker of the House. Under that section the Chair appoints Mr. MORRILL, of Maine, and Mr. HAMILTON, of Maryland, the members of the committee on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had appointed Mr. R. C. PARSONS, of Ohio, a conferee on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors and for other purposes, in place of Mr. GEORGE W. MCCRARY, of Iowa, excused.

POST-ROUTE BILL.

The PRESIDENT *pro tempore*. The post-route bill is before the Senate.

Mr. WEST. I think it is pretty well known to every Senator that it is not much worth while to consider the post-route bill unless you have the money with which to run your mails over the routes; and there is another consideration on which I shall appeal to certain members of the Senate, who will understand precisely that it was agreed that appropriation bills should have priority over other matters. The House of Representatives at the present moment has no business to consider on appropriation bills from the fact that we do not send them over to them.

Mr. EDMUNDS. That is not in order.

Mr. WEST. It may not be in order, but I have stated the fact; and if it is not in order I will withdraw it. [Laughter.]

Mr. RAMSEY. What is the use of appropriating money unless you have some use for it?

Mr. WEST. We have plenty of use for the money. I move to postpone the post-route bill for the purpose of considering the report from the committee of conference on the post-office appropriation bill.

Mr. DAVIS. I suggest to the Senator from Minnesota that he just lay his bill aside informally in order to allow the conference report to be made. It will only take a moment.

Mr. RAMSEY. If I do, I must do the same thing with the other report.

Mr. DAVIS and Mr. HAMILTON, of Maryland. O, no.

Mr. EDMUNDS. What is the pending order?

The PRESIDENT *pro tempore*. The pending question is the motion to postpone the post-route bill and proceed to the consideration of the report of the committee of conference on the post-office appropriation bill.

Mr. EDMUNDS. Has the post-route bill been read?

The PRESIDENT *pro tempore*. It has not been.

Mr. EDMUNDS. It must be read before it is debated.

Mr. WEST. Must it be read before it is proceeded with?

Mr. EDMUNDS. Yes.

Mr. WEST. If we have to stand that—

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

Mr. EDMUNDS. I only want to remind my friend from Louisiana that there is some liberty left, and now I withdraw for his motion. The bill need not be read now; but I withdraw the call for the reading, subject to its being read when it is taken up for action.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves to postpone the post-route bill.

Mr. DAVIS. Only informally.

Mr. EDMUNDS. No sir; nothing is done informally.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves to postpone the post-route bill and proceed to the consideration of the report of the committee of conference on the post-office appropriation bill.

The question being put a division was called for, and the yeas were 32.

Mr. RAMSEY. As this will involve the loss of the post-route bill, I call for the yeas and nays.

The yeas and nays were ordered.

Mr. GORDON. I should like to inquire the effect of this vote. Will the effect be to displace the post-route bill entirely?

The PRESIDENT *pro tempore*. It will.

Mr. SHERMAN. It can come up again on motion.

Mr. DAVIS. Is it in order to amend the motion of the Senator from Louisiana, so as to lay the post-route bill aside informally?

The PRESIDENT *pro tempore*. It is not.

Mr. SARGENT. That can be done by general consent.

Mr. DAVIS. I ask unanimous consent that it be done.

The PRESIDENT *pro tempore*. The Senator from West Virginia asks unanimous consent to lay aside the post-route bill informally and proceed to the consideration of the report of the committee of conference on the post-office appropriation bill.

Mr. RAMSEY. The same request has been refused in the other case.

Mr. HAMILTON, of Maryland. It will not be refused now.

The PRESIDENT *pro tempore*. Is there objection.

Mr. RAMSEY. I object.

The PRESIDENT *pro tempore*. The roll-call will proceed.

The question being taken by yeas and nays, resulted—yeas 27, nays 26; as follows:

YEAS—Messrs. Alcorn, Bayard, Boutwell, Buckingham, Carpenter, Davis, Edmunds, Frelinghuysen, Gilbert, Hager, Hamilton of Maryland, Hitchcock, McCreery, Morrill of Maine, Morrill of Vermont, Oglesby, Sargent, Saulsbury, Scott, Sherman, Sprague, Stockton, Thurman, Washburn, West, Windom, and Wright—27.

NAYS—Messrs. Bogy, Boreman, Chandler, Clayton, Conover, Cooper, Dennis, Fenton, Flanagan, Goldthwaite, Gordon, Hamlin, Kelly, Lewis, Logan, Merrimon, Mitchell, Norwood, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Stevenson, and Wadleigh—26.

ABSENT—Messrs. Allison, Anthony, Brownlow, Cameron, Conkling, Cragin, Dorsey, Ferry of Connecticut, Ferry of Michigan, Hamilton of Texas, Harvey, Howe, Ingalls, Johnston, Jones, Morton, Schurz, Spencer, Stewart, and Tipton—20.

So the motion of Mr. WEST was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. HENRY L. DAWES of Massachusetts, Mr. WILLIAM D. KELLEY of Pennsylvania, and Mr. JAMES B. BECK of Kentucky managers at the same on its part.

TAX AND TARIFF BILL.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes.

On motion of Mr. SHERMAN, it was

Resolved, That the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. SHERMAN, Mr. MORRILL of Vermont, and Mr. BAYARD.

POST-OFFICE APPROPRIATION BILL.

Mr. WEST. I now submit the report of the committee of conference on the post-office appropriation bill.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on 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, 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 its amendments numbered 13 and 15.

That the House recede from its disagreement to the amendments numbered 2 and 5, and agree to the same.

That the House recede from its disagreement to the sixth amendment, and agree to the same with an amendment as follows: Strike out the words "library of the office of the Assistant Attorney-General," and insert in lieu thereof the word "use;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendments of the House to the eighth amendment, and agree to the same with amendments as follows: In line 1 of said Senate amendment after "on" insert "and after the 1st day of January, 1875;" strike out all after "provided" in line 7, and insert "that nothing in this act shall be held to change or amend section 99 of the act entitled 'An act to revise, consolidate, and amend the statutes relating to the Post-Office Department,' approved June 8, 1872;" and in section 6, line 1, after "that" insert the words "on and after the 1st day of January, 1875;" and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House to the twelfth amendment, and agree to the same with amendments as follows: In the second amendment of the House to said Senate amendment strike out "taken" and insert "made;" in line 31 of said Senate amendment strike out "one;" and the House agree to the same.

That the House recede from its disagreement to the fourteenth amendment, and agree to the same with amendments as follows: In line 9 strike out "eight" and insert "six;" in line 33 strike out "eight" and insert "six;" in line 67 strike out "fifty" and insert "sixty;" in line 68 strike out "forty" and insert "fifty;" in line 69 strike out "thirty" and insert "forty;" and the Senate agree to the same.

That the House recede from its disagreement to the sixteenth amendment, and agree to the same with an amendment as follows: In line 87 strike out the words "a letting under advertisement can take place" and insert in lieu thereof "the service shall have commenced under a contract made according to law;" and the Senate agree to the same.

That the House recede from its disagreement to the seventeenth amendment, and agree to the same with an amendment as follows: Insert in lieu of said amendment the following:

That hereafter the postage on public documents mailed by any member of Congress, the President, or head of any Executive Department, shall be ten cents for each bound volume, and on unbound documents the same rate as that on newspapers mailed from a known office of publication to regular subscribers, and the word "Public documents" written or printed thereon or on the wrapper thereof, and certified by the signature of any member of Congress, or by that of the President, or head of any Executive Department, shall be deemed a sufficient certificate that the same is a public document; and the term "public document" is hereby defined to be all publications printed by order of Congress, or either House thereof.

And the Senate agree to the same.

J. R. WEST,
ALEX. RAMSEY,
Managers on the part of the Senate.
JAS. N. TYNER,
S. S. MARSHALL,
Managers on the part of the House.

Mr. SHERMAN. I regret very much that I was not able to agree to the report of the committee of conference on account of the very large reduction it makes in the rate of postage on newspapers. It is reduced by this bill to one-half the present rate. The present rate of postage on newspapers is 20 cents per annum on a weekly paper. These papers weigh about 2 ounces, so that 52 papers weighing 104 ounces are now carried through the mails at 20 cents or a trifle over 3 cents a pound. This bill reduces the postage on newspapers to 1½ cents a pound, or \$30 a ton, to be distributed all over the United States. In other words, it is a reduction in the rate of postage on newspapers to one-half. The postage on periodicals is by a somewhat different scale; the precise rate I am not able to state, but no doubt the Senator from Louisiana can tell.

Mr. WEST. Three cents.

Mr. SHERMAN. I mean the old rate on periodicals and large magazines.

Mr. WEST. The same, three cents.

Mr. SHERMAN. The proposition now is to fix the rate of postage at 1½ cents a pound on newspapers and at 3 cents a pound on periodicals. On both the reduction is about one-half. To reduce the rate of postage on newspapers at this time, when we are looking around for new sources of revenue, when our expenses are coming close to our receipts, seems to me a most unwise measure, improvident, and unjustifiable in every sense of the term. I cannot therefore consent to it.

In the amendment sent to the House the Senate proposed a rate of postage of 4 cents a pound on all newspapers and periodicals alike, which was perhaps a very slight advance on the present rate, but it was a uniform rate and therefore much preferable either to the House or the rate now in force. The present rate does not depend upon the size or weight of the paper but is equal to from 3 to 4 cents a pound; therefore the proposed rate of 4 cents a pound prepaid would be a slight advance on the existing rate of postage. I would have agreed with great pleasure to a uniform rate of 3 cents a pound on books, newspapers, and periodicals; for it was not the purpose of the Senate to either increase or diminish the rate, but only to substitute a specific uniform rate to be prepaid like all other postage.

Perhaps Senators have not all of them been familiar with the question of the rate of postage. If you compare the rate of postage on newspapers with letters, the comparison is very striking indeed. We now charge for letters at the rate of 96 cents a pound. For a half-ounce of letter matter we charge 3 cents. So that the rate proposed on newspapers is one-sixtieth of the rate of letter postage. The old rate was about one-thirtieth part. Another thing: the total revenues of the Postal Department are now \$23,000,000 a year. The revenue collected from newspapers is \$1,000,000 or less; the postage on letters \$22,000,000; so that out of the whole mass of our revenue for postage only one-twenty-third is furnished from printed matter, while the printed matter is 80 per cent. of the whole mail matter.

Mr. WEST. Not the newspaper matter.

Mr. SHERMAN. The printed matter.

Mr. WEST. Printed matter and matter of the third class, including all seeds and merchandise, which is quite a large percentage, amounts to that.

Mr. SHERMAN. Even newspaper matter is something over 80 per cent. I wish Senators to bear in mind that the present weight of newspapers alone going through the mail is four-fifths of the entire mail in weight, so that if you divide the expenditures of the Postal Department, now amounting to twenty-nine millions, in proportion to the weight between letter and printed matter, the printed matter including newspapers ought to pay \$26,000,000 and the written matter ought to pay \$3,000,000, while the actual fact now is that the letter matter pays twenty-two millions and the printed matter pays less than a million, so gross is the present discrimination in favor of newspapers. Indeed the amount collected on newspapers does not pay for the mere expense of delivering them. It does not pay one-fourth of the expense of the railroad transportation. It does not pay one-seventh of the expense of the postmasters of the country alone. It is so gross, so disproportionate as finally to have excited the attention of the country. To correct that the Senate proposed slightly to

increase the rate of postage on newspapers and also to require it to be prepaid.

Not only are the newspapers carried at this grossly disproportionate rate to the letter mail, but they have always had heretofore the franking privilege in the most offensive form; that is, newspapers are carried without prepayment, the postage to be collected at the other end of the line. Every publisher of a newspaper could frank the whole edition of his newspaper without paying a cent of postage, the postage being supposed to be collected at the other end of the line.

Mr. WEST. Generally it was not collected.

Mr. SHERMAN. That was a privilege granted only to the publishers of newspapers. Any private citizen who sent any newspaper or book or other printed matter had to prepay the postage at a much larger rate, and anybody, however poor, however difficult it might be for him to find the means for doing it, was compelled always to prepay the postage on either written or printed matter at a largely increased rate, while the newspaper publishers sent their mail matter practically free, or to be collected at the other end of the line. The result was that while the postage on newspapers should have been \$2,700,000, the whole amount received by the Government of the United States was only about \$340,000. Two-thirds of the actual postage levied by law upon newspapers never gets into the revenues of the General Government, but is either wasted by the failure to collect it or the failure of postmasters to return the amounts collected. Therefore it has been proposed to adopt a system of prepayment of postages, which is the rule as to all other postal matter in every other country that I know of.

It has thus far been found impossible to secure a system of prepayment of postage, and now this simple measure of equity and justice is opposed unless the rate of postage be enormously reduced. I was not prepared for one, and am not now, to vote for a reduction of newspaper postage so gross as this, while at the present rates the postage on written matter is thirty times as great as it is on printed matter, and while the printed matter now only yields to us \$1,000,000 of revenue to \$22,000,000 collected on letters, though the actual cost of carrying that mail matter is at least \$14,000,000. If you make due allowances for the difference between printed and written matter and count the whole mass of printed matter as only costing as much as the whole mass of written matter, the cost of carrying newspapers and pamphlets through the mails would be \$14,000,000. In truth and in fact the mass of written matter does not cost as much to transport it as the whole mass of printed matter. We know it does not cost one-fourth as much, because it only bears the relation in weight of 1 to 10.

Under these circumstances it seemed to me but right and just that the postage on newspapers should be prepaid without a reduction of the rate. The publishers ought to be willing to accede to that. They should pay some small proportion of the expense to the United States of carrying their printed matter through the mail. When I offered the proposition the other day in the Senate to make a uniform rate of 4 cents a pound on newspapers I did not dream that I was exciting such indignation of interested parties or treating of a very delicate question. We had been in the habit of levying taxes on the people, fixing rates of postage, dealing with great questions affecting the rights and interests of the whole people, and no complaint was made. The people sustained us as if we did about what was right. But the very moment the proposition was made to make the newspapers pay one-fifth part of the actual cost of carrying their merchandise through the mails, that moment a great clamor was made.

When I submitted that proposition I had no conception that my motives would be impugned; that I would be charged with doing this thing out of spite or to punish some one; or that all at once I was to be assailed and arraigned by telegraph and press as guilty of some high crime or misdemeanor. Sir, all this is sheer folly. I may have made a mistake, but I think not, and am not likely to be deterred from doing a plain duty by any kind of clamor. It was with me a purely revenue question, the measure being proposed in the hope to derive some little more revenue from carrying printed matter through the mail, so that it should be required at least to pay about one-fifth of the cost of carrying it. But it seems the House of Representatives took a different view and thought the rate was too high, and insist upon a rate of 1½ cents a pound.

England has adopted a cheap-postage system and was the first to adopt it. They charge 1d., or 2 of our cents, for carrying a letter; they charge 4d., or 1 cent, for carrying a newspaper. They charge one-half as much for carrying a newspaper as they do for carrying a letter, while under the operations of this bill the charge for carrying a newspaper through the mail, if sent from the office of publication, is only one-fifth of one cent, though weighing two ounces; while if you carry a letter it is three cents, though weighing but half an ounce. This discrimination in favor of newspapers it seems to me is enormous and unjust.

Mr. RAMSEY. The Senator should recollect that England formerly had a stamp duty on newspapers and no postage at all. They have now abolished the stamp duty and in lieu of it put on the postage rate.

Mr. SHERMAN. Every newspaper that goes through the mails, the London Times and every other newspaper in England, has to pay one half penny.

Mr. RAMSEY. I admit that; but that is in lieu of the stamp duty theretofore imposed.

Mr. SHERMAN. It is for postage.

Mr. RAMSEY. It is a revenue in lieu of the stamp duty which they abolished. That is one reason it is so high there.

Mr. SHERMAN. Very well; but the postage on newspapers there is 4d. or 1 cent, while we propose to reduce it down to ½ of a cent, while we leave letter postage at 3 cents.

Under the proposed rates the difference between letter postage and newspaper postage is so enormous as to naturally excite attention. As I said before, when I first made this proposition and it was voted unanimously by the Senate there was no talk here but that it was a simple, pure revenue measure; and yet the very next morning brought back to us accounts in the newspapers that the Senate, especially Senator SHERMAN, out of spite, had been striking at the newspapers! Mr. President, I have no quarrel with the newspapers. The great body of the newspapers have always treated me, so far as I know, with great kindness; and if any of them have treated me unkindly or unfairly, generally other newspapers took a different view and came to my relief. I have no quarrel with the newspapers. My whole effort in this matter has been simply to impose a reasonable rate of postage on newspapers in view of the present condition of the country. The idea now in our present condition, when we are levying new taxes, when we are compelled to cut down all branches of our service, reducing our expenses in all Departments—the idea that now we should repeal one-half the rate of postage on newspapers, which now do not pay more than one-fifth the cost of transporting them, it seems to me is trifling with a great subject and it ought not to be yielded, and I for one will not do it.

Mr. President, a great deal of comment has been made upon the proposition of the Senator from New Jersey [Mr. FRELINGHUYSEN] to carry a public document through the mails at 25 cents. With some hesitation we put the minimum charge on public documents at 25 cents. We made an inquiry and we found that a public document, on the average, weighed 2 pounds; so that the rate proposed by the Senator from New Jersey was 12½ cents per pound; that is, we were required to pay, or anybody who received a document from us was required to pay, postage at the rate of 12½ cents per pound; and yet in that same bill it is proposed to charge newspapers only at the rate of 1½ cents per pound, or at the rate of 3 cents for newspaper matter equal to a public document. In this report the committee have reduced the rate of postage on public documents to 10 cents and require us to prepay it. A document published at public expense at the Public Printing Office, before it can be sent by us to our constituents, must, under this report, be prepaid at the rate of 10 cents, or 5 cents a pound. Even this rate I regarded too low, and yet now it is proposed to carry newspapers by the pound at 1½ cents; and I am arraigned for proposing to charge 4 cents a pound, or about one-fifth of the actual cost of the service to the United States.

Mr. WEST. Is the Senator exactly stating the case fairly? A newspaper is not a bound book. We are to pay on public documents that are bound 10 cents per document; that is, 5 cents per pound; but the Senator knows very well that there is a provision in this report that if the documents are unbound they shall only pay the same rate as newspapers.

Mr. SHERMAN. When you pay by weight, what is the difference between bound or unbound documents? Printed matter sent from any printing office in this country can be carried from San Francisco to New York or *vice versa* at \$30 a ton, or 1½ cents a pound less than the cheapest freight by rail between these points; and yet if that same information is put in the form of a public document sent by us, the postage, to be prepaid by us, costs 5 cents a pound. Sir, you might as well abandon all postage on newspapers. If there is not courage enough in Congress to deal with this question of a fair rate of postage on newspapers, I would far rather carry in the mails newspapers free than pretend to collect at the rate of 1½ cents per pound, which is totally inadequate. If we dare not provide for a reasonable rate let us make the newspapers free at once. If it is necessary for the United States to distribute newspapers to disseminate information among the people, why charge anything? Why put the publishers to the trouble to weigh their merchandise unless you mean to charge them a reasonable rate for the service you do them?

Again, sir, why discriminate against pamphlets? The pamphlets are the selected literature of the day, the winnowings of the chaff. They are charged by this bill at the rate of 3 cents per pound. Why this discrimination? Why discriminate against pamphlets and in favor of newspapers? Is there any reason for it? If your object is to disseminate information, then pamphlets are a much better form of current intelligence and should be favored rather than charged double; and yet here is a discrimination of one-half.

It seems to me this whole proposition is based upon the idea that we must carry the mail for the benefit of the newspapers. It has been said that if we make the rates too high the newspapers will be carried by the express companies. Why, sir, to the extent that express companies carry newspapers it is a relief to the Treasury. Our Post-Office Department would be more than self-sustaining if three-fourths of the newspapers were carried by express companies. The only reason why we have a deficiency, increasing year by year until now it amounts to \$8,000,000, is because we carry the newspapers through the mails without charge or with an insufficient charge. If there was a reasonable charge put upon newspapers our Post-Office Department would be self-sustaining. If we put on newspapers one-

half of the rate levied in England the Department would be self-sustaining. The real secret of the deficiency in our postal revenue is that we make no charge on newspapers worth naming; that is, we carry nine-tenths of the mail for \$1,000,000, while the carrying of the whole mail costs us \$29,000,000. Is this right? Have we no power to correct it?

Complaint was made that in my proposition to the Senate the other day the time for the taking effect of this amendment was not fixed. It was fixed. That was a misrepresentation. In the very amendment I offered it was fixed for the 1st of January next. I handed the proposition to the Senator from Minnesota [Mr. RAMSEY] to offer it, and he did offer it.

Now, Mr. President, it does seem to me the Senate of the United States, under the present circumstances, might very properly recommit this report and levy a uniform rate on all printed matter of about 3 cents a pound. In the proposition adopted by the Senate we put it at 4 cents a pound, because that was slightly in advance of the present rate, but only a mere fraction; but if the rate was fixed at 3 cents a pound, the newspapers and printed matter would yield a revenue of from three to four millions and to some extent make good the deficiency in the postal service.

To show you that the public press have not annually concurred in the clamor made about this amendment, I desire to say I have received both telegrams and letters from intelligent publishers in this country who not only do not complain, but say this is right, and if the public are to pass on this question, they will say it is right. There is no good reason why the commodities of newspapers should be carried through the mails unless they pay some proportion of the cost. I am happy to say I have here a letter from a very respectable member of the press, the publisher of a well-known weekly newspaper. In speaking of the rate proposed in the House bill, 1½ cents, he says:

Your rate of 4 cents is far better, and that will bring country papers down as follows: oz. 1½ × 52 × 4 cents—19½ cents—for an average paper of an ounce and a half.

That is, 52, the number of issues in a year, multiplied by 1½, the number of ounces, gives 78 ounces, or less than 5 pounds; which at 4 cents a pound makes 19½ cents. That is the cost of postage of a weekly paper for a year weighing 1½ ounces, which is the ordinary weight, at the rate of 4 cents, while under the present law it is 20 cents. The present law makes the rate of postage on country papers a little higher than 4 cents on an ordinary weekly paper; but when you take the great weekly papers published in the metropolitan cities, they weigh more, and consequently the present rate upon them is only about 3 cents a pound. Taking the average country weekly papers published in cities of twenty thousand inhabitants and less, the present rate is 4 cents a pound.

Then he goes on:

As an illustration, my own paper is printed on paper that weighs 40 pounds to the ream, and while it is now being run through the press I find that 11 damp sheets weigh a pound. This brings the postage on my paper, which is 27 by 38 inches, on 40-pound paper, at 4 cents per week, to 19 cents a year, and my paper is above the average. Now, even including wrappers, your rate will really bring the average on country papers below the present rate of 20 cents a year. This ought to be more generally known.

Now, Mr. President, why should not this be done? Why should not the newspapers be willing to bear some portion of the expense of transporting their product through the mails? Remember this is not a tax upon newspapers. We are not now levying a tax on newspapers. There is no tax whatever levied on a newspaper. They pay no tax to the General Government, and we do not charge them even now more than one-tenth of the actual cost of transporting their commodities, and this report proposes to reduce that one-tenth down to one-twentieth, and all because we require them to prepay their mail matter!

Sir, publishers of newspapers are like all other men. They are governed in the main by their interests. They are generally honorable men, engaged in an honorable calling. I have not one word to say against the public press. I believe the public press of our day and generation is stronger, better, and purer than it has been in former times, although it is still subject to great abuses. The public press is a great power in this country. No public man would seek to engage in a contest with them. The danger is not that we would do anything to spite them, but the danger is that in fear of their power we will not do our duty to the country.

Now, sir, when the newspaper press were called upon to prepay their postage they complained a great deal about it; but public sentiment had gradually so developed itself that it was felt to be the fixed law that they had to prepay their postage like other people who use the public mail. The Postmaster-General has for years requested us to pass a law requiring newspaper postage to be prepaid, and public opinion has so developed itself that finally the publishers of the country have been compelled to yield to that public sentiment; but while yielding they demanded a reduction in the rate of postage. Why so? Why should the amount of postage, now totally inadequate, be reduced? No good reason can be given for it.

Why, sir, if this question is looked upon as it affects the public at large, there is no reason why the newspaper press should not pay the whole cost of carrying their mail matter. The general distribution and dissemination of newspapers throughout the country is undoubtedly useful; no man would desire to interfere with that; but is it unjust to charge them but one-fifth of the cost of the labor done for them?

I hope, therefore, although these are the last hours of the session, the Senate will pause and consider well before they make this large reduction in the rate of postage. Let us at least seek another conference with the House of Representatives on the subject. I believe a uniform rate of 3 cents a pound on all printed matter, pamphlets, newspapers, and periodicals would yield a considerable revenue, would not increase the present rate of postage, and would be of vast service to the country. The newspapers might complain a while, but I hope we all dare to do our duty whether complaints come from one quarter or another. I at least shall not vote to concur in this conference report.

Mr. WEST. The very little attention that the Senate has given to the Senator who has just spoken would hardly encourage me to think I can command its attention; but I do not think the Senate ought to be asked by a committee of conference to vote for a proposition that they have seen proper to submit, when it is contested by one member of that committee without its being supported by the other members.

The Senator from Ohio admitted away his whole case very early in his argument. He said you could not secure the prepayment of this postage unless you reduced the rate. That is the Senator's proposition. He stated it distinctly. That is the experience of all postal service, and the Senator has stated it correctly. What is his proposition? His proposition is to raise the rate and to insist on prepayment. The rate now is three cents. The Senator's proposition is to make it four cents and insist on prepayment. The committee wanted prepayment, and in order to get that prepayment we had to reduce the rate, but we did not reduce it, as the Senator says, from four to one and a half cents uniformly on all newspapers. Read the recommendation of the committee as it is presented here. One and a half cents on all newspapers published as often as once a week, and three cents on all published less frequently than once a week. That is the proposition; so that the great bulk of your newspapers throughout the country are charged three cents.

Mr. SHERMAN. All the daily papers one and a half cents.

Mr. WEST. I admit that; but take the majority of publications in this country, and you will find the majority of them are in the other class.

Mr. SHERMAN. I assure the Senator he is mistaken. Ninety-nine one-hundredths of the newspapers are published at least as often as once a week.

Mr. WEST. I do not think I am mistaken. There are a great many semi-monthlies and a great many monthlies and periodicals.

Mr. SHERMAN. Periodicals are but a small proportion compared with the daily and weekly papers.

Mr. WEST. Very well. Now, the Senator says there is a fallacy in reducing the rates of postage when we are requiring prepayment of postage. The fallacy is simply this: by insisting on prepayment we recover what the Government does not get. The total postage on all newspaper matter now throughout the country is \$3,000,000; only \$1,000,000 of it goes into the Treasury. By the prepayment proposition you will get more, and a good deal more, of it.

Mr. SHERMAN. According to what my friend says we shall get a million and a half, and the newspapers will save a million and a half.

Mr. WEST. I never heard such a proposition coming from the chairman of the Committee on Finance, that by the imposition of duty on an article, that duty came out of the importer. That is the Senator's proposition here, that by imposing a duty on newspapers, requiring prepaid postage on them, it comes out of the newspapers. It comes out of the people who pay the postage on the newspapers, just as much as the tariff on sugar comes out of the man who consumes it.

Mr. SHERMAN. The people pay now \$2,700,000 for postage excepting what is not collected, and the postmasters get some of it. The Government gets but \$900,000.

Mr. RAMSEY. Over a million last year.

Mr. WEST. The Senator complains that the newspapers carried throughout this country only pay \$3,000,000. His proposition is to make them pay four millions. The great discrepancy between the cost of newspaper mail and post-office mail he only proposes to encroach upon to the extent of \$1,000,000; whereas we contend that under this reduced rate of postage we shall collect more than three out of four cents, and the Post-Office Department is of that opinion. Why? Because if you compel them to pay four cents, they will resort to express companies on short hauls, where we would gain an advantage at one and a half, and throw on the Department the whole weight of their long hauls away into Oregon and California. That is the difference.

But, sir, I am convinced that the Senate is disposed to stand by the report of the committee. It is made in accordance with the views of the Post-Office Department, and is also made in accordance with the views of the House of Representatives, the body most recently coming from the people; and I do not think it worth while to detain the Senate any longer on the subject.

Mr. MORRILL, of Maine. I am very sorry not to be able to concur in the action of the committee of conference on this bill; but there are certain principles I think so clearly to be observed in matters of this kind, that I cannot see my way clear to do it. This is a reduction of the postage heretofore paid on newspapers.

Mr. WEST. A reduction of one-half on what was assessed and not collected.

Mr. MORRILL, of Maine. It is a reduction of one-half of the postage heretofore charged upon newspapers. Can anybody answer to himself or the country or anybody else why that should be done now? Has anybody stated any reason why that reduction should be made? When the expenses of this Department are increasing so largely, when your revenues are running behind \$30,000,000, and you will have on the day when this fiscal year goes out \$30,000,000 of deficiency, is this a good time to do that? Is it the patriotic sense of the newspaper press of this country that it is a good thing to do, to relieve themselves at this time of one-half the burden which should fall equitably and honestly and fairly upon them in the transaction of their business on rates which were always very low, and that this is the time to do that thing? Does my honorable friend from Minnesota [Mr. RAMSEY] who has charge, so far as the Senate is concerned, of the Post-Office Department, think he is to sustain the credit of that Department by allowing such a thing as this to be done at this time?

Sir, what is this service? From the beginning we have levied a tax on this service, for its support chiefly; and now you propose to relieve that part of the service which contributes more than eighty hundredths part of the entire burden, so that what it contributes will be merely nominal. My honorable friend from Minnesota, the chairman of that committee, tells you that we only collected \$1,072,000 from the newspaper press of the country as the rate stood before, and now you reduce it one-half.

Mr. President, the newspaper press of this country cannot afford to accept any such proposition as that. While you are putting \$22,000,000 upon the people of this country who pay letter-postage it is a public indecency to say that you will only collect less than \$1,000,000 upon that service which contributes more than eighty hundredths of the entire burden. I am amazed that the House of Representatives, if it is true, as my honorable friend who has charge of this bill represents, should insist upon any such thing at the present time; and it seems to me the Senate of the United States will be wanting in ordinary self-respect to allow any such thing as that to be done under any circumstances that I can conceive of.

What earthly reason is there for it? The newspaper press of the country do not appeal to anybody for this that I know of. They have not asked it; and I have too exalted an opinion of the newspaper press of this country to believe that they desire any such thing as this. Do the newspaper press of this country want their papers to go through the mails free? Are they willing to impose a burden upon the people of this country and to allow a deficiency of many millions to be paid out of the Treasury that their papers may go free? I do not believe any such thing. I have seen no newspaper anywhere that asked any such thing. I am sure there has been no representative here in their behalf that they desired any such thing.

Reluctant as I am, Mr. President, to postpone or delay the business of the session, I should regret extremely that the Senate of the United States should allow itself to do any such thing as is proposed by the adoption of this conference report.

Mr. RAMSEY. I am surprised at the course of the honorable Senator from Maine, the chairman of the Committee on Appropriations. It is notorious that in all time it has been impossible to collect the postage upon newspapers, no matter how high the charge was. In your policy pursued in general commerce you very often reduce your duties for the purpose of breaking down smuggling and really getting a revenue from an article. So you should do in this case. Notwithstanding every effort has been made the Government has only received for the transportation of the immense mass of newspapers published in this country \$900,000, and finally last year it rose to \$1,072,000. The true policy of the administration of the Post-Office Department is to insist upon prepayment in every possible instance, even although you do reduce your postages. Now, with the certainty of making out of this reduced postage by insisting on prepayment \$3,000,000, which is the estimate of the Post-Office Department, I think the Senate ought not to hesitate to accept this new rule as established by the report of the committee of conference, yielding to the determined position of the House of Representatives on the subject.

Mr. MORRILL, of Maine. O, the House of Representatives! What has that to do with the duty of the Senate?

Mr. RAMSEY. The great thing is to secure prepayment.

Mr. MORRILL, of Maine. My honorable friend expresses some surprise that I should oppose this proposition, and says I know or ought to know that the Department have only been able to collect from seven hundred thousand to one million dollars out of the two and a half millions which they ought to have had from newspaper postage. I should like to know how long my honorable friend has known that, and I should like to know how long he has delayed to perform his duty to see that some method had been proposed here by which that evil could have been remedied.

Mr. RAMSEY. Prepayment is the remedy.

Mr. MORRILL, of Maine. Why has it not been done, if the honorable Senator is aware of the fact?

Mr. RAMSEY. "Better late than never."

Mr. MORRILL, of Maine. So it is; but it does not follow because there has been laches or neglect somewhere in that particular, that we are to take off one-half the tax on that amount. Who has asked it? The newspaper press has not asked it. Nobody has asked it. If it is a boon proffered to these people, it is a very cheap performance in my judgment. You will get no thanks for it. Nobody wants it.

The newspapers of this country do not want to be forced through the mails free. They cannot afford to have it done, nor can the people of this country afford to allow it to be done, in my judgment.

Mr. President, there is no apology under heaven for such a proposition as this while the people of this country are borne down by taxes, while your revenues are running short, while everybody knows now that you are trying to eke them out by a proposition reported here by my honorable friend from Ohio, which I will not characterize as I believe it ought to be, eking out at the rate of \$2,000,000 taxes when we know that we are running behind \$10,000,000, and making no effort to increase the taxes at all adequate to our demands, and then in this style cutting down the sources of your revenue when nobody asks it. For one I protest against it.

Mr. FERRY, of Michigan. I should like to put a question to the Senator. Does he not consider it is a gain to establish the principle or policy of prepayment on papers as well as letters? We have already established that upon letters. Would it not be a gain on newspapers?

Mr. MORRILL, of Maine. Undoubtedly it would be a gain; but is that a question to be compromised? Are we so impotent, are we so weak, are we so far gone, that we cannot lay an honest tax on any interest in this country without asking the parties who are taxed? Can we not say that the tax which they have been paying and which is small, which is only about one-fifth of the amount put upon the poor men of this country, shall be prepaid without being humiliated by the idea that we have got to compromise that question? I would abandon the whole of it before I would agree to that.

Mr. FERRY, of Michigan. I have one more question to put. The Senator has responded that it would be a gain to that extent; it would be an advantage to change the system on newspapers and make it agree with the system on letters. Now, I put another and a practical question to the Senator: I ask him if it would not be far better to adopt a system that collects all its postage rather than assess a postage which is not collected?

As stated by the Department, the present rate assessed, when collected at the point of delivery, falls far short of the amount now proposed to be assessed by prepayment. I ask the Senator, and repeat my question as a practical one, is it not far better when we have a system of prepayment to arrive at an amount that we know is definite; and then if we find there is a large deficiency we can regulate that hereafter?

Mr. MORRILL, of Maine. The same spirit which yields this now will yield it forever. That is my answer to all that. Nobody has suggested any necessity for it. It is just as easy to put the tax at three cents, where it was before, as it is to put it at one and a half cents. It is optional with Congress. Nothing on earth stands in the way of it.

Mr. FERRY, of Michigan. The difficulty has been this: the Postmaster-General in his estimates in presenting his claims to Congress for appropriations has predicated them on the collection of postage at the point of delivery; and it has not been until the close of the fiscal year that the deficit has become apparent. Now, I say as a practical question it is far better that we should adopt a system that speaks for itself upon its face so that when the Postmaster-General makes his report here he may know what he will get, not what he expects, but what really he does get. So the adoption of the proposition now before the Senate is coming back to the better policy of providing for prepayment; and if, as has been said, it shall be found that the rate is too low we can hereafter fix it, because then it is determinate and we know just where we stand.

The great difficulty is that a year ahead we expect we are to derive a certain revenue, and at the close of the year we find we have not received what we supposed was our due. In other words, your postmasters in the little offices are compelled by force of circumstances to donate this postage, and even pay it sometimes out of their own pockets rather than be troubled with these little dribbles. Any man who has observed this process of collecting in small amounts the quarter's postage on newspapers must know that the postmasters are driven either to ignore their duty or to pay it themselves. It is far easier to roll the responsibility on the Government than to take it out of their pockets on a mere salary of twelve dollars per annum sometimes.

Mr. WEST. Mr. President, I know that the Senate is impatient on this subject, but I think one proposition has been broadly and unwarrantably asserted by the Senators who oppose the adoption of this report that ought not to go without refutation; and that is that this yielding of the rate is in response to the demand of the newspapers. The Senators could with the same propriety say that a reduction of the tariff on any imported article was a yielding to the threats or the menaces of the importers.

Mr. MORRILL, of Maine. I have disclaimed that I have said distinctly that I heard no desire on their part for it.

Mr. SHERMAN. Allow me to state that when I submitted the proposition I did not believe that the large papers of the country would oppose it. I thought their sense of justice would see the propriety of it.

Mr. WEST. Then it is intimated that we are reducing the tax on newspapers, and that that is the motive of the committee. Now, sir, it must be self-evident to any man who knows anything about it that the postage is not to be paid by the newspapers. The postage

is going to come out of the public. There is where all postage comes from. We are trying this experiment whether we cannot collect more postage out of the public by this process than by the one in vogue.

Mr. SCOTT. Mr. President, there is another feature of the report as I heard it read at the table that has thus far elicited no comment; it is the last section incorporated by the conference committee, and which provides, if I apprehend it aright, that each public document, without reference to its weight, shall be carried in the mail at ten cents.

Mr. RAMSEY. Prepaid.

Mr. SCOTT. Prepaid, provided it be franked with the name of the President, the head of a Department, or the member of Congress certifying it is a public document, and that frank makes it presumptive evidence that it is a public document.

Now, Mr. President, that is a feature which I think is a little more reprehensible than any one we have had yet proposed on this bill, either in the Senate or in the House. I suppose the CONGRESSIONAL RECORD of this session will make up about six or seven volumes of the ordinary size, and each volume will weigh from three to five pounds; so that that work will go through the mail at ten cents a volume. The Smithsonian Report will go for ten cents; the Agricultural Report for ten cents; Raymond's report for ten cents; these three books, all together not weighing as much as one volume of the CONGRESSIONAL RECORD. That is the equality in postage which is introduced by this bill, and that is a restoration of the franking privilege by moieties and dribbles in that form.

I have heretofore said that I should vote for no kind of insidious approaches toward the restoration of the franking privilege. I will not agree to get back to it by sapping and mining, for the purpose of reaching it, like a mole. If we want it, come out in the daylight and say so; restore it pure and simple, and not impose this inequality of burdens. If there is a man willing to take the CONGRESSIONAL RECORD and at the other end of the line pay for it let him pay the freight that is necessary to carry it through the mails. Upon many of the lines the transportation of the postal cars is charged for by weight, and thus we shall have on some of the lines public documents carried, charged for by weight by railroad companies, and parties receiving them at less than is charged for carrying them. That is a feature of this report for which, it seems to me, it should be sent back if there were no other in it.

Mr. RAMSEY. The Senator ought to recollect that a conference is a negotiation of two parties. We cannot get everything that we desire. The Senator probably has never been on a committee of conference where he got all he desired. In return for this the House abandoned the objectionable feature as we thought of passing about three or four hundred thousand volumes of the Agricultural Report entirely free through the mails. It may be increased to a million hereafter. They abandoned that. We got the principle conceded of prepayment. You had yourselves allowed documents to pass without prepayment, the postage to be paid at the other end of the line, and you would never have got that money, as you have failed to get your money on newspapers. We then insisted on the principle of prepayment. We got them to abandon sending through the mails an immense mass of matter for nothing, and we got something in return.

The PRESIDING OFFICER. (Mr. EDMUNDS in the chair.) The question is on agreeing to the report of the conference committee.

The question being put, there were on a division—ayes 17, noes 16; no quorum voting.

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

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HOWE, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. McCREERY.] If present he would vote for agreeing to this report and I should vote against it.

The result was announced—yeas 19, nays 21; as follows:

YEAS—Messrs. Bayard, Boutwell, Carpenter, Clayton, Conover, Cooper, Ferry of Michigan, Flanagan, Frelinghuysen, Goldthwaite, Ingalls, Jones, Kelly, Logan, Morrill of Vermont, Ramsey, Sargent, Tipton, and West—19.

NAYS—Messrs. Alcorn, Davis, Edmunds, Gordon, Hamilton of Maryland, Hamilton of Texas, Merrimon, Morrill of Maine, Norwood, Oglesby, Patterson, Pease, Pratt, Ransom, Robertson, Scott, Sherman, Sprague, Stevenson, Stockton, and Wright—21.

ABSENT—Messrs. Allison, Anthony, Bogey, Boreman, Brownlow, Buckingham, Cameron, Chandler, Conkling, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Hager, Hamlin, Harvey, Hitchcock, Howe, Johnston, Lewis, McCreery, Mitchell, Morton, Saulsbury, Schurz, Spencer, Stewart, Thurman, Wadleigh, Washburn, and Windom—33.

So the report was non-concurred in.

Mr. RAMSEY. Now I move that the Senate proceed to the consideration of the post-route bill again.

Mr. MORRILL, of Maine. I move that a further committee be asked for on the post-office appropriation bill.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate further insist on its amendments and on its disagreements to the amendments of the House of Representatives, and request another conference on the subject of this bill.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee; and Messrs. WINDOM, ALLISON, and DAVIS were appointed conferees on the part of the Senate.

THE GENEVA AWARD—RECESS.

Mr. FRELINGHUYSEN. I rise to make a report from the committee of conference on the Geneva award bill.

The PRESIDING OFFICER. The Senator from New Jersey presents a report which will be read.

The Chief Clerk commenced to read the report.

Mr. PATTERSON. I move that the Senate take a recess until eight o'clock.

Mr. STEVENSON. I rise to a question of order.

The PRESIDING OFFICER. The Senator from South Carolina moves that the Senate take a recess until eight o'clock, and the Senator from Kentucky rises to a question of order.

Mr. STEVENSON. Yes, sir; to know why the Clerk is reading that report—whether it has been taken up.

The PRESIDING OFFICER. The Clerk is reading the report presented by the Senator from New Jersey from the committee of conference on the bill, pending which the Senator from South Carolina moves to take a recess till eight o'clock. The question is on the motion of the Senator from South Carolina.

Mr. STEVENSON. Before that question is put, I still have not the point of order I raised answered.

The PRESIDING OFFICER. The Chair cannot entertain the question of order at this time because it is not before the Senate. The question is on the motion of the Senator from South Carolina.

Mr. STEVENSON. I ask the Senator to withdraw the motion for a moment.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina.

Mr. DAVIS. Is it in order to move seven o'clock instead of eight?

The PRESIDING OFFICER. It is in order by the special rule of the Senate to move to take a recess at any time.

Mr. DAVIS. The Senator from South Carolina moves to take a recess till eight o'clock. I think that is too long.

The PRESIDING OFFICER. Debate is not in order.

Mr. DAVIS. Can I not move to amend the motion?

The PRESIDING OFFICER. The Senator can move to amend the motion.

Mr. DAVIS. At the suggestion of Senators, I move to amend by saying "half past seven."

Mr. PATTERSON. I accept the amendment.

The PRESIDING OFFICER. The question is on the motion as amended to take a recess until half past seven o'clock.

The motion was agreed to; there being on a division—ayes 33, noes 14; and the Senate (at five o'clock and forty-six minutes p. m.) took a recess until half past seven o'clock p. m.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

CLERKS OF COMMITTEES.

Mr. ANTHONY. I offer the following resolution, which is customary at this stage of the session:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to pay the salaries of the clerks of committees up to and including the 10th of July.

The resolution was agreed to.

ARKANSAS VALLEY RAILWAY.

Mr. SCHURZ. I would ask unanimous consent to call up a bill which is of great importance to the western interests, being House bill No. 2884.

Mr. FRELINGHUYSEN. I will let the regular order be waived for a moment.

By unanimous consent, the bill (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company was considered as in Committee of the Whole.

The bill 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, to the extent of one hundred feet in width on each side of the railroad where it may pass through the public domain and military reservation at Fort Lyon, including grounds for station-buildings, work-shops, 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.

Mr. EDMUNDS. Is there any provision in that bill which limits the time within which this railway shall exercise the right granted?

Mr. SCHURZ. Yes; six months.

Mr. EDMUNDS. I should like to have the clause read.

The PRESIDENT *pro tempore*. That part of the bill will be read. The Chief Clerk read as follows:

Provided, 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,

Mr. BOGY. The road is built all the way through.

Mr. SCHURZ. I think I can satisfy the Senator from Vermont on that point.

GEORGE HENRY PREBLE.

Mr. HAMLIN. While the gentlemen are looking at that matter I ask to take up a bill which places Commander Preble according to his proper position in the Navy.

By unanimous consent, the bill (H. R. No. 2892) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be a commodore, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I move that that bill be indefinitely postponed, and on the motion I wish to say a word. I have no idea that it will be postponed, but in order to enter my protest, as I do not want to take up time by the taking of the yeas and nays, I make this motion. I have heard something about this case, and believing it to be a jumping of an officer of the Navy when he ought not to be jumped over the heads of others, my only way now is to move that it be indefinitely postponed, so that the Journal shall show so far as I am concerned that I have no hand in the business.

Mr. HAMLIN. Before the question is put I want the attention of the Senate for a moment. This bill has twice met the approval of the Senate. It only restores Commander Preble to the precise position he would be in to-day but for the action of the Secretary of the Navy, and that action has been overruled by a board of inquiry.

The PRESIDENT *pro tempore*. The question is on the motion to postpone the bill indefinitely.

The question being put, there were on a division—ayes 17, noes 19; no quorum voting.

Mr. EDMUNDS called for the yeas and nays, and they were ordered; and being taken resulted—yeas 14, nays 23; as follows:

YEAS—Messrs. Alcorn, Cooper, Edmunds, Frelinghuysen, Gordon, Hitchcock, McCreery, Robertson, Sargent, Spencer, Stevenson, Thurman, Wadleigh, and Wright—14.

NAYS—Messrs. Bayard, Boreman, Boutwell, Carpenter, Clayton, Davis, Fenton, Flanagan, Hager, Hamlin, Ingalls, Merrimon, Morrill of Maine, Morrill of Vermont, Pratt, Ransom, Schurz, Scott, Sherman, Stockton, Tipton, Washburn, and Windom—23.

ABSENT—Messrs. Allison, Anthony, Boggy, Brownlow, Buckingham, Cameron, Chandler, Conkling, Conover, Cragin, Dennis, Dorsey, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Hamilton of Maryland, Hamilton of Texas, Harvey, Howe, Johnston, Jones, Kelly, Lewis, Logan, Mitchell, Morton, Norwood, Oglesby, Patterson, Pease, Ramsey, Saulsbury, Sprague, Stewart, and West—36.

So the motion was rejected.

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

ARKANSAS VALLEY RAILWAY.

Mr. SCHURZ. The objection to the bill (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company is no longer persisted in, and I ask that it be disposed of.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate.

Mr. EDMUNDS. I merely wish to say that that bill ought to contain a limitation of time in which the company should exercise this right or it should be forfeited; but it is a small matter, and they say the road, is really built so that practically there will be no need of that limitation. Therefore I do not insist upon the point; otherwise I should think it my duty to see that there should be a limitation.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPIERSON, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate 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, and agreed to further amend with amendments, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES A. GARFIELD of Ohio, Mr. EUGENE HALE of Maine, and Mr. WILLIAM E. NIBLACK of Indiana, managers at the same on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 3422) for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall;

A bill (H. R. No. 1767) to change the name of the steamboat Kitty Strang;

A bill (H. R. No. 3211) to change the name of the schooner Delmar;

A joint resolution (H. R. No. 114) to fill a vacancy in the board of managers of the National Home for Disabled Volunteer Soldiers; and a joint resolution (H. R. No. 115) for the relief of certain clerks and employés of the United States.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 3600) making ap-

propriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

On motion of Mr. MORRILL, of Maine, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, disagree to the amendments of the House to other amendments of the Senate, and agree to the conference asked by the House on the disagreeing votes of the Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. MORRILL of Maine, Mr. SARGENT, and Mr. STEVENSON.

JOSEPH WILSON.

Mr. DAVIS. I move that the Senate proceed to consider the bill (S. No. 926) referring the case of Joseph Wilson to the Court of Claims.

The motion was agreed to, and the bill was read the second time and considered as in Committee of the Whole.

The claim of Joseph Wilson, for compensation for mules captured by the rebels in July, 1864, in consequence of the refusal of the pickets of the Army to allow him to pass within the lines and deliver the mules to the Government on his contract, is by the bill referred to the Court of Claims for its decision according to the law and the practice of that court in such cases and proceedings.

Mr. SCOTT. I deem it my duty to state that that bill did not receive the unanimous indorsement of the Committee on Claims, and I do not think it ought to pass. The party named in the bill had a contract with the Government to deliver mules in the city of Washington. He was endeavoring to fulfill his contract and got his mules near to the city of Washington at the time when Early's raid was made upon the city, and an order was issued prohibiting all persons from coming inside the picket lines. In consequence his mules were detained outside the picket lines, notwithstanding he was ready to deliver them, and they were captured by the enemy. A portion of them were recovered, and this bill proposes to send to the Court of Claims this case for the purpose of permitting him to make a claim against the Government for those that were not recaptured. I do not discover any difference between this man whose property on the way to be delivered to the Government was captured by the enemy and that of any other citizen whose property was captured by the enemy, and therefore I think it my duty to oppose the passage of the bill.

Mr. DAVIS. The bill, as the chairman says, was not unanimously reported, but pretty nearly so. This man had a contract to deliver the mules. If he has no right, the Court of Claims will say so. The bill refers it to the court for decision.

Mr. BOUTWELL. Is the bill before the Senate?

The PRESIDENT *pro tempore*. It is.

Mr. HOWE. No; the question is on taking it up.

Mr. SCOTT. That reminds me of another feature in the case. It is a contract; and if the party had desired to bring himself into the Court of Claims he could have done so at any time within six years from the time the contract was made. He did not do so, but preferred to present his case to Congress. I do not think it is one where Congress ought to grant relief.

Mr. FRELINGHUYSEN. As this is going to lead to discussion, I call for the regular order and ask for the reading of the report of the committee of conference.

Mr. DAVIS. I did not know that we had any regular order.

Mr. FRELINGHUYSEN. I call for the reading of the report of the committee of conference, which the Senate was engaged in when the recess was taken.

Mr. DAVIS. This will only take a moment. I only ask a vote.

Mr. FRELINGHUYSEN. If we can have a vote immediately I have no objection.

The bill was reported to the Senate.

The PRESIDENT *pro tempore*. Shall the bill be engrossed for a third reading?

The question being put, there were, on a division—ayes 15, noes 21; no quorum voting.

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

The yeas and nays were ordered.

Mr. STEVENSON. I wish to say a single word. This man, Wilson, entered into a contract with the Government for the delivery of a certain number of mules at the city of Washington. He took all the risks and got here upon the edge of the city, just upon the line, ready to deliver his mules, and waited there forty-eight hours. In consequence of an order of the provost-marshal he was prevented delivering them. The War Department would have paid him this claim; but he went and fulfilled his contract. He does not ask a dollar from this Congress. All that he asks is permission to go to the Court of Claims and there present his right for an infraction of a covenant which he thinks he has suffered by the act of the Government in regard to the delivery of these mules.

What objection can there be to allowing him to present his claim to the Court of Claims with a right to go to the Supreme Court of the United States? No class of contracts has been more frequently judicially acted on than this; and but three weeks ago the Senate allowed a gentleman to go to the Court of Claims whose claim had been barred by time.

Mr. BOUTWELL. Will the Senator inform us why this claimant did not go to the Court of Claims within six years?

Mr. STEVENSON. I will. Mr. Wilson, who is as reputable a man as my State has, came on the advice of my colleague, now dead, Mr. Garrett Davis, to Congress, and for several years attempted to get his claim through. I believe it passed one House, but I am not certain of that; but I am perfectly certain, because Mr. Davis told me so, that a juster claim never was presented in the world. He labored here for years and attempted to get it through. As we all know, just claims frequently are delayed. He is a farmer; he knew nothing about the statute of limitations or anything about his rights. He relied upon his Senator in good faith and he failed; and now all that he asks is to go to the Court of Claims with an appeal to the Supreme Court, to have it decided whether the Government broke its contract with him. If he has a contract, surely the Senate will not refuse him that privilege.

Mr. BOUTWELL. The case has this aspect: that this claimant did not avail himself of his legal right to go to the Court of Claims under his contract if he had one, or color of contract if there were color of contract, but chose to resort to Congress during the period of six years; and having failed up to this time he now asks Congress to let him go to the Court of Claims. That is, he had the right to go to the Court of Claims during six years; he did not avail himself of it, and now he asks to be put out of the usual condition of citizens of the country. If he had not the color of contract, then the proposition is to give him a standing in the Court of Claims which under the general law of the country he never had.

Mr. STEVENSON. And has it come to this, that a Government like this will put itself upon the technicality of defeating an honest claim because the man is not a lawyer and did not resort to the Court of Claims?

Mr. BOUTWELL. He had representatives.

Mr. STEVENSON. I say to the Senator from Massachusetts—I do not know how he voted on that case—that in the claim from North Carolina of the sons of Stephen A. Douglas they were allowed to go to this court. They had slept on their rights; and yet after the six years had expired the Senator, not more than four weeks ago, notwithstanding that they had been barred by time, passed a bill to allow them to go to the Court of Claims. Now, sir, do not make fish of one and flesh of another.

I know how pressed the Senate is for time, and I do not desire to take a moment. This bill, it seems to me, has a precedent in two or three cases, and the War Department itself, as I was informed, would have sent this claim of its own motion to the Court of Claims but for the fact that after this man had brought his mules here and waited twenty-four hours ready to deliver them, although they were taken from him he went back at his own cost and bought new mules and brought them here and filled his contract; and for that he is to be punished because he made a mistake in coming to Congress when the Senate themselves have allowed similar claims to go before the Court of Claims.

Mr. President, if this man has a just claim, why will Senators deprive him of the right to go to a judicial tribunal? Surely the Supreme Court of the United States acting as the court of last resort are able to say whether this man has been injured and has a right of action against the Government. That is all he asks, and I appeal to Senators as they did it in the case from North Carolina so to do it in this case from my State.

Mr. SCOTT. The reference to another case requires me to say one word more about this case. The case to which the Senator from Kentucky refers, in which the children of Hon. S. A. Douglas were permitted to go to the Court of Claims, was an entirely different case from this. In the first place both of them were minors and were unable to go into the Court of Claims for that reason. They had not capacity to sue in their own right. In the second place, and the controlling reason why they were permitted to go into the Court of Claims by special act, was that another party was claiming before the Court of Claims the same property for which the young Douglasses were making a contest, and it became necessary to permit them to go to the Court of Claims so that the relative claims of the contesting parties might be heard upon the evidence before that court. These were the two controlling reasons which entirely distinguish that case from the case that is now before us.

I do not place my opposition to this case going to the Court of Claims upon the fact that the party could have gone during the six years that he might have brought suit upon his contract. I put it upon the broad ground that this is simply asking to go to the Court of Claims for the purpose of recovering compensation for property captured by the rebel army. There is the principle involved. There is no distinction between this property captured by the rebel army and any other property that was captured by them. The fact that he was endeavoring to fulfill his contract in good faith makes no difference. If a farmer in driving his mules from Baltimore to Wilmington had had them captured during that time, we would not think of paying him. This man was in the course of his business fulfilling his contract, and he met with the misfortune of having his property captured and it was not recaptured. There is the broad principle to be settled in this bill: shall we pay for property captured by the enemy? I say we ought not to do so. If I could yield my convictions on this subject for any personal considerations, I would yield them to

the Senator from Kentucky; but the principle is too broad and too pernicious to receive the sanction of the Senate without opposition.

Mr. STEVENSON. I deny the fact stated by the Senator that this property was taken by rebels as an act of war. Mr. Wilson was here on the day he agreed to be here. He waited more than a day after he was here, and there is no principle better settled in contracts than that if I make a contract to deliver property personally on a particular day, and the other party does not receive it and by his own act puts it out of my power to deliver it, he is liable to me. While I bow to the distinguished Senator from Pennsylvania as a better lawyer than myself, I propose not to say that he is wrong and that I am right, but I ask the Senate as a matter of justice to leave this question to a cool, calm, judicial court, with the right of appeal to the Supreme Court of the United States; and if they decide that the Senator from Pennsylvania is wrong, it seems to me he ought to yield his opinion.

The Senator says that the Douglas claim was different from this. It is the first time I ever heard that infants could not sue. Why could not they sue by their guardian?

Mr. SCOTT. They had none.

Mr. STEVENSON. The Senator says they had none. I do not know whether they had any or not. I know that the administrator of Stephen A. Douglas did come to Congress, did petition Congress, did ask Congress, and did lose his time, as my constituent is losing his in seeking relief. The Senator can see in that case merit. Sir, I would vote for that claim, and I would vote for any claim that I believed to be just and right, without regard to the position or standing of the claimant. Let it not be said that the distinguished name of one man led the Senate to do an act which they are unwilling to do for a hard-working, honest, upright man, who brought his property here under a contract with the Government, who waited twenty-four hours and was then prevented from delivering it by the act of the Government itself, and who now asks not to be paid, but appeals to the Senate and says, "Let me go to the Court of Claims; if I have got a case I will get what I deserve; and if I am not entitled to anything, I will lose the \$20,000 that I invested in carrying out my contract." Can it be possible that Congress will say to him, "No; we did it in one case, but we will not do it in yours." Senators, be just. Senators, look to no condition or class of cases.

Honor and shame from no condition rise,
Act well your part, there all the honor lies.

This man is an upright, honest, plain farmer, in the county of Bourbon, and he appeals to the Congress of his country to allow him to go to a court to say whether he has a claim or not, and that claim has a precedent hardly dry upon your statute-books; and I ask the Senate as an act of justice to grant this request.

Mr. EDMUNDS. "Acting well your part," so far as the Senator from Kentucky and his political associates are concerned, is to vote every time in favor of any species of claim growing out of the war by citizens south of Mason and Dixon's line. I think I speak by the record when I say that on every vote which has been taken in the Senate since I have been here, for eight years, the part of the Senator from Kentucky during his presence and of all his political associates has been to vote without exception and in solid phalanx, in favor of every claim growing out of the war; certainly in favor of every claim south of the line I name. Of course they do it from patriotic motives; they do it upon principle. We all understand that.

But, Mr. President, when you come to look at this particular case, it is cutting a little fatter. You will find this bill goes a little farther, on the face of the bill, (for the eloquence of the Senator from Kentucky is not put into the enactment,) than any bill that has ever been presented to the Senate. The Milton Best bill and all that class of bills on the face of them profess to be for something that the Union Army has taken for its use in one form or another so as to fall within a principle that we all understand. This bill, on the contrary, puts this man and his property outside of the neutral lines, and therefore in the country of the enemy. It puts him in the attitude of coming from the lines of the enemy, and while coming through the lines of the enemy, and while waiting to undergo the ceremonies which war required us to have with any people coming within our lines from the other side, his property is captured. The bill itself settles the question for the Court of Claims that this capture was "in consequence of the refusal of the pickets of the Army to allow him to pass." He starts in the Court of Claims with our determining that, without knowing anything about it to begin with.

Then it is a claim "for compensation for mules captured by the rebels." It is not for compensation for any act of the Government of the United States in violating a contract, but it is "compensation for mules captured by the rebels in July, 1864, in consequence of the refusal of the pickets of the Army to allow him to pass within the lines, and deliver the mules to the Government on his contract."

Now, I should be glad to know how this man and his mules, before we send this case to the Court of Claims, came through the rebel lines; what information he got there; what information he intended to carry back if he was to return by the same road he came, as I assume he was.

Mr. DAVIS. I will inform the Senator that the mules came from Kentucky, and were driven in from the Union lines, from Baltimore.

Mr. EDMUNDS. From where?

Mr. DAVIS. From Baltimore, in this direction. They came from Kentucky.

Mr. EDMUNDS. So I remember the Union Army was driven in from Baltimore at one time, too.

Mr. DAVIS. And many other places.

Mr. EDMUNDS. Certainly they were; the Senator is right. We were not able to resist the pressure of his friends at all times, I admit.

Mr. DAVIS. If the Senator will allow me, he asked where the mules came from, and he said they came from the confederate lines, or wondered if that was not so. In response to that, without meaning to have said they came inside or outside of the lines, I intended to tell the Senator where they did come from, and he knows as well as I do that Kentucky in 1864 was in possession of the Union Army and so continued almost the entire time.

The facts of the case are these: Wilson contracted with the Government to deliver five or six hundred mules here. When he approached—

Mr. EDMUNDS. I thought I had the floor.

The PRESIDING OFFICER. (Mr. INGALLS in the chair.) Does the Senator from Vermont yield to the Senator from Kentucky?

Mr. EDMUND. Of course I do; how can I help it?

Mr. DAVIS. I understood the Senator to say he would yield. However, as I have commenced I will state that the facts are, the mules were driven to the picket lines out near Bladensburg, and by the pickets, under a general order they were kept there, as has been stated by the Senator from Kentucky, for twenty-four hours. On the following day, while they were retained there, the rebel cavalry came around in some way and drove the mules off. I believe that is the whole story.

Mr. EDMUNDS. The Senator need not have taken all this time to convince me that the mules came from Kentucky. That was stated before, and the zeal of my honorable friend from Kentucky showed that also. We can take it for granted that the mules came from Kentucky. So a good many people in the rebel army, who on that very day were attacking us in Fort Stevens, in July, 1864, came from Kentucky. Kentucky was a State that was about half-way betwixt and between these people. I do not speak of its government. My honorable friend, the Senator from Kentucky, I believe, was governor part of the time, and a more vigorous and honorable warfare than he made against the rebels never was made so far as I have any reason to know.

But, Mr. President, in July, 1864, the very time when this celebrated capture occurred, the rebel army had almost surrounded the city of Washington; you may say it had quite surrounded it on the land side; it was within four miles of the spot where I am now speaking, cannonading the outworks of this city; and now it is proposed because this man on that very day, coming from outside our lines, was delayed by the pickets, when we were in the heat of this extreme stress and discomfort at that time, to say that he has a higher claim than anybody else, and he must be sent to the Court of Claims instead of his case being tried here on its merits. It seems to me to be a very extraordinary proposition; and I say that this bill commits the United States on the face of it to the fact that we are bound to agree to the circumstance that it was through the fault of the United States that the capture was made. What evidence have we of that? Is there no stress of war which will justify the Government of this country in keeping up military lines around this city? And if you do keep them up, are you to say that everybody who chooses to come to Washington to carry out his contracts shall not submit to the overruling military necessities of the occasion, and if he gets captured himself, or his property gets captured, he has a claim upon the Government of this country for reimbursement? That is the question.

I say therefore I am justified in the remark that this bill, on the face of it as it reads, goes beyond anything that has ever been contended for on this floor before by any member of the Senate whose views have been in favor of maintaining the Union and maintaining the Administration that saved it. We have differed as to whether the case of Best and cases of that character fell within a particular principle or fell without it; but no one has ever before proposed to declare what this bill on the face of it declares. It says nothing whatever about a liability on a contract or a right to sue upon a contract; but it declares that in the stress of war, when this city was invested by rebel arms, the property of this citizen being without our lines, and therefore either in the debatable country or in the country of the rebels at the moment, happened to be captured on account of the fact that the stress of war made it impossible for him to get through our lines with his property, he shall be repaid.

So, Mr. President, you may repay everybody through the whole four years of that struggle who, detained in the Southern States or kept outside of our lines by those reasons of military prudence that apply, as we all understand, in such instances, can come here and say, "What you have done for Wilson of Kentucky do for me." You see the effect of bad precedents very readily here. The Senator from Kentucky now stands most eloquently and vigorously upon the Douglas precedent. That may be a bad precedent. The Senator from Pennsylvania entirely distinguishes that case from this. If he is correct, as I have no doubt he is, it is a clear distinction, and the Senator from Kentucky well understands it. He thinks the Senator from Pennsylvania is not correct. But you see the force of precedents, because

now the Senator hangs with such vigor on the fact that we have done something like this. Now, suppose you do this, and say you will send to the Court of Claims the claim of a citizen for compensation for mules captured by rebels in 1864 in consequence of military operations. That is what the words "refusal of the pickets" to let him in mean. The army engaged in defending this city had to be a little cautious in respect to what people it let within the lines. Therefore, in consequence of the stress of military operations, it is said he was delayed. Take it that he was; we do not know that; we have had no testimony under oath and no cross-examination of witnesses; we do not know what the case was. The Senator from Kentucky believes it undoubtedly; I am not questioning his beliefs; but we cannot pass bills upon faith which involve consequences like these. We must pass them upon facts.

Mr. SCOTT. If the Senator from Vermont will permit me to correct what perhaps is a misapprehension in his mind, the Douglas case was not for property captured by the enemy, but it was for property taken and used by our own Army upon their plantation.

Mr. EDMUNDS. That I perfectly understand. I did not refer to that from the fact that the distinction which the Senator stated as to the circumstances under which they were allowed to go to the Court of Claims was so complete that it was not necessary to occupy the time of the Senate in going over the other ground.

Now, as the Senator suggests on the subject itself, the subject of the Douglas claim was one which if just in its origin fell clearly within the principle of cases wherein we ought to pay, as we all agree. In this case, the bill upon the face of it declares that this is a warlike capture. It refers to the date when this city was invested by the enemy, and it states as a reason for our liability that the stress of military operations compelled us to exclude this man from our lines, he being upon the other side, and so his property was captured; and I say the bill settles that so far; it does not leave it open even for the Court of Claims to judge upon that. But I do not care about that. I say we never did and we never ought to submit to the Court of Claims any question of that character. If this man is to be paid, let the Senate take the responsibility of declaring that they will pay for property captured outside of our lines by the superior force of the rebel arms. Let us say so; but do not send to the Court of Claims a thing nobody ever thought of sending there before, so far as I know, the clear case of a man demanding pay for property captured by force of war when a city near which he was attempting to enter to perform a contract with the Government was surrounded and invested by the rebel forces. That is this case; and I am surprised that my friend from Kentucky should urge it.

Mr. STEVENSON. Mr. President, the Senator from Vermont may justly aspire to be called the Aristides of the Senate if his justice to the Government is to be measured by his persistent opposition to almost every private claim. But if even that Senator knew all the facts in this case I am sure that he would not oppose the passage of this bill.

I deny *in toto* the proposition of the Senator of Pennsylvania, [Mr. SCOTT,] that the mules for which compensation is sought was an ordinary capture by the enemy in war. This claimant seeks damages for the violation of a contract by the Government in preventing him from delivering a number of mules which he had bound himself to deliver for the use of the Army at the city of Washington on a particular day during the war. The Government refused to allow him to enter the city with his mules either upon the day before or the day named in the contract for the delivery of said mules in Washington. He was on the boundary line of the city, in full view of the Capitol, for twenty-four hours before the day of the delivery. He tried to obtain permission to enter the city, but by military authority was prevented from doing so, and was prevented thereby from delivering the mules. It was the direct act of the Government which prevented the delivery. A day after, in front of Washington, the mules were taken by the confederates. The claimant lives in Bourbon County. When he left Kentucky there was no indication or suspicion of an attack upon Washington. So sudden was the demonstration by the confederates upon Washington that President Lincoln, though warned by rumor of their advance, did not believe they would attempt to come to Washington, and refused for several days to take any steps by recalling troops from other points for the defense of the capital. He believed it a device. The battle at the Monocacy alarmed and struck terror into the people of Washington, because of the want of a sufficient force to repel the threatened attack. This claimant left Kentucky without any reason to fear any assault on Washington, nor had he ground to apprehend any encounter whatever with any portion of the Army. It required two or more weeks to drive his mules from Kentucky to Washington City. At the time of his departure there was no enemy between Kentucky and Washington. It was only after Wilson had been for many days on the road with his mules that the confederates determined to make a demonstration upon Washington. He was in advance of them and they in his rear.

He did reach Washington twenty-four hours in advance of the confederates. He notified the War Department that he had reached the outward lines of the city with the mules a day before the period named in the contract for their delivery and he was anxious, ready, and willing to deliver said mules. The military authorities in consequence of the approach of the enemy had issued an order forbidding

ingress or egress from Washington. Wilson was refused admittance into the Federal lines with his mules. The confederate army approached and took the mules, but by energy and effort he recovered a portion; the others were never recovered and their value was a total loss. Wilson having been ready to deliver, according to the terms and tenor of his contract, at the place and time, the Government interposed—it matters not for what purpose—and prevented the delivery of the mules. Is Wilson entitled to an action for a breach of his contract with the Government? Able and eminent Senators, who rank as lawyers of pre-eminent ability, deny that the Government is liable in the premises. Why not? It failed to permit and absolutely prevented Wilson from delivering his mules and thereby became liable for any damages sustained by Wilson in consequence thereof.

The claimant Wilson now comes to Congress and asks to be permitted to set up his claim in the Court of Claims with an appeal to the Supreme Court of the United States. The application is simple. It is just. If Wilson is entitled to nothing he gets nothing, he will get nothing. Why are the Senators from Pennsylvania and from Vermont opposed to this bill? The right of the claimant is purely a judicial question. To what better tribunal could the claim be referred than to the Court of Claims?

What objection can be urged against its passage? The Senator from Pennsylvania says the claim is bad. He denies all liability on the part of the Government. I deny it. Why not allow the Supreme Court, upon an appeal from the Court of Claims, to tell us what the law is? His denial of liability of the Government begs the question. That is the point upon which the claimant desires adjudication. The Senator from Pennsylvania says you shall not sue in the Court of Claims, because the Government owes you nothing.

Mr. President, I was pained to hear the Senator from Pennsylvania, who is the chairman of the committee by which this bill was reported, attempt to excite the Senate by referring to Kentucky as neutral during the war. He was pleased to talk in grandiloquent style about loyalty to the Government. The Senator from Pennsylvania is a good lawyer, and if he is satisfied that is legal position in the construction of this contract Wilson can recover nothing. Why awaken the bitter strife of the war? Why does the Senator seek to defeat this just claim by depriving the claimant of appealing to the judicial tribunals? Why arouse party animosities and sectional feeling? Justice is represented as blind, holding the balance with an even hand, unable to perceive the litigants.

Let this claimant appeal from this forum, where party and passion too often blind and mislead us, to that quiet, calm, judicial tribunal by which justice is sought to be administered without any external disturbing influence.

I hope Senators will lend me their aid in passing this bill.

Mr. SCOTT. Mr. President, I had no idea when my friend from West Virginia asked to take up this bill that we were to be precipitated into such a discussion as this; but the appeals which are made by my friend from Kentucky to Senators, the very earnestness of those appeals and the manner of them, warn me that as the chairman of the Committee on Claims I have a duty to perform before the final vote is taken on this bill.

Now, sir, if the Senator from Kentucky will cast his mind's eye back for a short period he will see that there has been no disposition to discriminate against Kentucky claims. It was, perhaps I do not go far wrong in saying, neutral ground for a long period of time. When he remembers that to the one city of Lexington more claims have been awarded, and larger claims than to any other city that I can now call to mind except Nashville, he certainly will agree that there has been no disposition here to discriminate against Kentucky. A literary institution there received \$25,000; an agricultural and mechanical association, within the last few days, has had voted to it \$25,000 more for the occupation and destruction of its grounds; a bill was passed at the instance of the Senator himself a few days ago to pay a lady in the city of Lexington for the occupation of her property; and now, sir, we are asked to take up a bill, and because the claimant is a citizen of Kentucky we are appealed to upon grounds of sympathy to set a precedent which will return to plague us before very long.

I have said Kentucky was neutral ground. How often was it invaded by the confederate army and how many mules were captured and run off from Kentucky by that confederate army? I wish my friend were in his seat to answer the question.

Mr. STEVENSON. I am here.

Mr. SCOTT. How many mules were captured in Kentucky by the confederate army and run away from their owners during the four years of the war?

Mr. STEVENSON. I cannot tell.

Mr. SCOTT. Hundreds of them, thousands of them perhaps; and now I ask any one who recognizes the rule that a government is not responsible to its citizens for property captured by the superior force of the enemy to point to me the distinction between the claim that will be made for the mules captured on the farms of loyal men in Kentucky and the mules captured outside of the city of Washington when forces led, if I am not mistaken, a part of them, by a distinguished citizen of Kentucky against the Union, were beleaguering the city. Where is the distinction? The Senator says that this citizen of Kentucky was here endeavoring to fulfill his contract with

the Government. So he was. Was it the fault of the Government that he did not get his mules here?

Mr. STEVENSON. Yes.

Mr. SCOTT. The fault of the Government?

Mr. STEVENSON. Yes, sir.

Mr. SCOTT. Surely my friend is not considering the extent of his assertion when he says it was the fault of the Government in issuing an order for the purpose of preventing the entrance here of an enemy that sought to dismantle this capital and destroy this Union. That was what the Government did. It issued an order to prevent access to this capital by those who were seeking the nation's life and were in battle array for the purpose of taking it. Tell me it was the fault of this Government to issue that order which kept that man and his mules out of Washington! If it was, it was the fault of the Government in issuing every order from the 12th of April, 1861, down to the day that the rebel army surrendered in Virginia. It was the exercise of the sovereign power of the Government for the purpose of preserving the nation's life; and the fact that that order prevented this man from coming into Washington gives him no more claim against the Government than the fact that the war was raging would give to every loyal man in the nation for property captured by the enemy.

Within the last few days we have had a discussion in this Chamber and a vote which warns us where we are drifting; and I want to say to the men of the South who have been standing here asking for the payment of loyal citizens of the South, that the course which is now being taken has led many of those who have been the advocates of the payment of loyal citizens to consider seriously whether the point which we have now reached is not the one from which our steps should be retraced in giving payment to loyal citizens of the South, whether the danger which menaces us in the precedent set in this Chamber a few days ago, if followed by passing this bill, is not one which bids fair to bring upon us hundreds of millions of claims as well founded as this one or as the one to which I refer.

Mr. President, I had intended to say very little, I had intended to call the attention of the Senate simply to the facts in this case, to a principle which it involves, and to permit the Senate to vote upon that principle calmly and dispassionately; but the fervent appeals that have been made here by my friend from Kentucky to the sympathies of Senators, appeals to do for this man what he alleges they have done for others—his earnestness in doing all this has led me to say that we have a duty to perform in standing between such claims and the Treasury of the United States; for if we admit this, the torrent which will soon rush in will render opposition vain, vain, sir, to any of the classes of claims which are now hovering around us and seeking for precedents upon which to place themselves.

Mr. STEVENSON. I shall not, Mr. President, imitate the example of the Senator from Pennsylvania [Mr. SCOTT] in fighting over in this Chamber the battles of the late rebellion. If that Senator feels that to defend the passage of this bill recommended by a majority of his own committee it is necessary for him to rekindle the expiring embers of that bloody strife which every patriotic heart should desire to extinguish—if his success demands an appeal to the party passions and sectional prejudices of the dominant majority of the Senate rather than to their judgment and justice, be it so.

Mr. SCOTT. I have awakened no passion.

Mr. STEVENSON. Awakened no passion? Attempted to arouse no bitter sectional animosity against this humble, honest claimant by endeavoring to indirectly rail at the disloyalty of Kentucky!

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator will address the Chair.

Mr. STEVENSON. I am addressing the Chair. I have a right while debating a bill to turn to the Senator to whom I am replying without entrenching upon any rule of this body.

Mr. SCOTT. The Senator asks me what appeals I made. I believe I stated a historical fact—if I am wrong he will correct me—that in the raid upon Washington in 1864 a portion of the army besieging the capital was led by a distinguished citizen of Kentucky. Am I wrong in that statement?

Mr. STEVENSON. The Senator is not wrong in his historical statement. But why that reference? *Cui bono?* What matters it to one proper decision of the question before the Senate whether the confederate forces before Washington were led by a Kentuckian or a Marylander? Why this allusion to a brave and gallant Kentuckian, now in private life, who linked his fortunes with the confederate cause and distinguished himself upon many a battle-field, winning the admiration of his foes? Was such a reference pertinent to the merits of the bill? Is not the motive of such allusion transparent? Had it any other object? Did it seek any other end than the defeat of this bill by awakening the animosities of the war and rekindling the prejudices of the past against Kentucky, because brave men in that Commonwealth differed in their views and sought service alike in both the Union and confederate armies?

The Senator from Pennsylvania is pleased also to refer to the property of the United States captured by the confederates in Kentucky during the war. But still he says he is making no sectional appeals. Mr. President, Kentucky sprang from the loins of Virginia; bone of her bone and flesh of her flesh. How natural the sympathy, the affection, the interest of the daughter for the mother in a clash of arms? But while the Senator from Pennsylvania endeavors to arouse sec-

tional passion against my State because many of her sons flocked to the confederate standard, he seems oblivious to the historical fact that thousands and tens of thousands of brave Kentucky hearts, separating themselves from all the ties of section, kindred, and natural sympathy, rallied to the flag of the Union and gave their lives and their fortunes for the unity of these States.

Does the Senator from Pennsylvania forget how many Kentucky soldiers found bloody graves and now sleep in the national cemetery at Gettysburg? Would he prove his gratitude to their heroism in saving his own Commonwealth from confederate rule by attempting to defeat the right of a Kentucky citizen to go into the Court of Claims to have an adjudication upon his claim against the Government for supplies furnished to the Union in that gigantic struggle? Is there anything unusual in this application? Are not the archives of Congress, the records of the Court of Claims, and of the Supreme Court of the United States full of precedents in support of the privilege granted by the pending bill? Do not Senators personally know that the War Department often and justly refer meritorious claims, barred by time, to the courts for adjudication? Is not such a course just and proper? But this claimant lives in *disloyal* Kentucky, and however loyal himself, because Kentuckians went into the rebellion, the bill must be rejected!

Mr. President, I am tired and sick of this continued attempt in Congress to defeat just claims by appeals to the passions and prejudices. In God's name, let the dead past bury its dead; let our charity, our justice, our love of country forget the past, and look to the future.

Kentucky needs no defense against assaults from any quarter. Her past history as a State is her highest eulogium. She asks equality and seeks justice for her people. From the bloody fields of the Thames and the Tippecanoe to the city of Mexico, Kentucky soldiers who fell in the honor and defense of their country quietly sleep. If you ask a pension for these old soldiers who live or their widows who survive them, the cry is still made, were they loyal? Widows in Kentucky, whose farms were taken and occupied for years during the rebellion, timber cut and fences destroyed, are denied compensation upon the *ipse dixit* of a mere quartermaster's clerk that they were disloyal. Thousands of dollars' worth of quartermaster's stores were furnished by the best and worthiest men in Kentucky, taken by the Government, and they are denied compensation because they sympathized with the rebellion.

And now a worthy, upright citizen of Bourbon County, Kentucky, who contracted with the Government of the United States in 1864 to deliver on a certain day named several hundred mules in Washington City for the Army, who fulfilled his contract, and upon the day preceding the day named in the contract for the delivery arrives at Washington with his mules, but is prevented by a military order issued by the Government from entering the city, which subsequently fall into the hands of the enemy, asks Congress to allow him to go into the Court of Claims and assert his right to damages for a breach of contract, and it is sought to defeat him because it is a capture of property pending the war for which the Government is not liable! If the doctrine asserted by the Senator from Pennsylvania [Mr. SCOTT] and the Senator from Vermont [Mr. EDMUNDS] be law, then the Court of Claims, or the Supreme Court of the United States to which there is an appeal, would so declare, and this claimant would get nothing.

I deny that this claim rests on the doctrine asserted by the Senator from Pennsylvania. It does not stand on the ground of property captured by the enemy.

In contracts for the delivery of personal chattels the Government occupies the same position as a private individual, and is governed by all the rules of construction applicable to them. If the Government contracts for the purchase of personal chattels, to be delivered by the contractor at a place and day named, and the Government by its strong arm prevents the delivery, the contractor is entitled to all the damage which he sustains by the act of the Government. The Senator [Mr. SCOTT] denies the proposition of law asserted by me. I insist upon its correctness. Why not allow the courts to decide it?

Senators, be just, as I know you will be; let not the appeals of the Senator from Pennsylvania to your passions and your prejudices lead you to deny to this worthy and honest Kentucky farmer the privilege of an adjudication upon his rights by the judicial tribunals of his country. He can get nothing without, by the judicial construction of the law, he be entitled to it. Surely you would not deny him what the law accords. He asks nothing more; he should receive nothing less. I ask that this bill may be passed.

Mr. TIPTON. Mr. President, if I can be instrumental in one word in allaying this storm of passion which has swayed the Chamber for the last half-hour, I shall certainly have brought the Senate to a proper frame to contemplate peace and harmony and domestic felicity in the Territory of Utah. [Laughter.] I wish to call attention to the fact that while the Senator from Kentucky has shown a little warmth in regard to the patriotism, as he thinks, of his constituency and his State, on the other hand the Senator from Vermont, as I think, appealed to the prejudice of the country and to that bitterness and asperity which we trusted had been allayed forever. When I saw a general of the Union army on the one side of this Chamber and a general of the confederate army on the other side of this Chamber, I supposed that we had entered upon a reign of peace and amity and comity and friendship, that it would not be considered legitimate debate to make appeals to the passions and references to the bloody past; but

the honorable Senator from Vermont seems to think otherwise. When therefore his attention is called to the fact that a Kentuckian has a claim before the Senate, his first reply is, "Why, there were rebels in Kentucky." But the answer is made, "Yes, but he had a contract under seal with the Government of the United States." "Very well," says he in reply to the contract; "did not Kentuckians attack us in the war?" "Yes; but he brought his mules from Maryland." "O, but was not the Union Army attacked in Maryland?" and it is blood and thunder and the Union Army that is to be the omnipotent reply to a contract under seal in the hands of a loyal Kentuckian. I find the prototype of this and of the honorable Senator on this occasion in the history of a distinguished Captain Blakely, of Vermont.

Captain Blakely was at some place in the vicinity of the Chincha Islands engaged in the guano trade, as many another man from the State of Vermont has made his fortune, and many orators have had embellishments from the garlands plucked from the Chincha Islands. Captain Blakely's mate was killed by a celebrated captain who was outlaved on the coast. Captain Blakely arrested the officer who had killed his negro mate, sent out word to all the captains in the port that he wished them at nine o'clock in the morning to come on board his vessel and see him execute the man that had killed his "nigger," as he termed him. "But," said they, "Captain Blakely, has the man been tried?" "Tried!" says he; "certainly not; didn't he kill my nigger?" "Ah, well, but you wouldn't hang him without a trial; how would it sound?" Said he, "Sound be hanged! Didn't he kill the nigger?" [Laughter.] "Of course nobody denies that." "Well, then I am going to hang him anyhow." "O, well, but that would be murder." "Well, then, let us hang him first and try him afterward," says the captain from Vermont. "Well," said they, "but you will have to have him tried or your country may be involved in difficulty." "Yes; but I should reply to them, 'Didn't he kill the nigger?'" Accordingly he yielded to the trial. "How long will it take?" "Only a few minutes." "Very well, then; I will bring the prisoner and bring the rope at the same time. Go on with your trial." After they went through with the trial and found the captain guilty of murder, he took out his old Bible that he had carried down from the State of Vermont with him, and read to the criminal the first two chapters of the book of Genesis. After he had got through reading to him, with the rope around his neck, the first two chapters of the book of Genesis, he turned to him and said: "Now, didn't you kill the nigger?" He got no confession. Said he: "I have done for you more than most men would do; I have read to you the first two chapters of the book of Genesis;" and he swung him off, taking out his watch deliberately and timed him for just thirty minutes, cut him down, and as he was about to hand him over for burial, and gazing upon his prostrate body, finally he showed some emotion, some twinges of conscience, and when all was excitement to understand what was operating upon the heart of the captain, he looked sad and dejected, and said he, "Well, I have just been thinking perhaps I ought to have burned him at the stake, but then I was trying to do for the best." [Laughter.] And here comes the honorable Senator with all the mercilessness of attack on this loyal Kentuckian, slays him here in the Senate house of the nation, and has only compunctions that perhaps he had not done his duty and did not burn him at the stake.

Mr. FLANAGAN. I shall not certainly make any lengthy speech; but I think I can demonstrate in about fifteen words that this party ought to be relieved. In the first place, it is manifest that there was a contract entered into clearly and fairly, and that in good faith the mules were delivered directly near the point where they were to be received; but from the fact that the pickets were so arranged as not to permit them to be delivered, the party contracting could not comply. But, sir, what are the facts? The rebel army captured these mules. If that be a good plea, as is strongly urged by distinguished Senators, the force of it is subsequently lost, because finally the United States Government captured them, and yet has them in possession, and it must now pay for them agreeably to the original contract because it is now possessed of the property.

Mr. SCOTT. The Senator is very much mistaken; they were not all recaptured.

Mr. THURMAN. Mr. President—

Mr. FRELINGHUYSEN. If we can have a vote I will give way, but otherwise I must call for the regular order.

Mr. THURMAN. There is no regular order.

Mr. FRELINGHUYSEN. I think there is.

Mr. THURMAN. This is the regular order.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from Ohio has the floor.

Mr. THURMAN. I do not like to intermeddle in this mule matter, which is the source of so much eloquence and wit; but I desire to say in about ten sentences that if this were a controversy between two individuals, I do not think there is a lawyer in the Senate who would hesitate a moment how it ought to be decided. If I agree to deliver a certain article at a specified time within the house of another, and when I go with the article at that time he locks the door and will not let me in, no matter how good reason he may have had for locking the door, no matter though in morals and in conscience and in delicacy he was perfectly right in locking the door, yet I may set the article outside of the door, and it is at his risk. If that is not law, I do not know what law is.

Here was this man bound to deliver these mules within the city of Washington. For a good reason, if you say so, the Government did not see fit to let him come with his mules inside the city of Washington just as a man for a good reason will not let him come inside his house to deliver the article which he proposes to deliver in that house. For a good reason the Government did not do that; but that was the misfortune of the Government; the man had done all he could do; and if the Government for reasons sufficient to itself prevented him from making that delivery, kept him outside of the house, kept him outside of the city, the property was then at the risk of the Government. That is the whole case.

Mr. EDMUNDS. It is not quite the whole of this case, as I see from a communication from the Secretary of War which I find in the papers. This petition has been before Congress regularly since 1863, or earlier, has been reported upon adversely once at any rate, but of course that does not bar the Senate now although we do have a rule that when there has been an adverse report on a claim it shall not be brought up again except on fresh testimony. There is no fresh testimony here; but I do not mind that.

The Senator from Ohio says that it is exactly like the case of a private citizen who makes a contract and the other party tenders performance and he is entitled to pay. Suppose this man had contracted for these mules with the Senator from Ohio, to be delivered in Washington in July, 1864, and through the stress of war the week before an order had been made that the military authorities would allow nobody to pass through the lines dividing the Federal from the rebel forces; and this man comes from the rebel side of the line with his property and is prevented by the military forces from coming in. Now is the Senator from Ohio liable in such a case? Of course he knows that he is not. Is the Government of the United States liable in such a case? The Senator concedes by his argument, as I understand him, that it would not be. If I am wrong in that—

Mr. THURMAN. I did not hear the case exactly as put by the Senator.

Mr. EDMUNDS. I said supposing this contract had been made by this gentleman and the Senator from Ohio to have these mules delivered on the 12th of July, 1864, at the Capitol gate in the city of Washington. On the 6th of July, owing to the rebel attack and investment of the city, the President of the United States and Commander-in-Chief of the forces made a general order commanding that no person be allowed to pass the picket lines of the Union Army surrounding the city either way. That was the order. We have it here. That order having been in force for six days, or three days, or one day—no matter about the time—the actual owner comes with his mules to bring them into the city to deliver them to the Senator from Ohio. He is prevented by the military forces, in obedience to military order and necessity. Now, I say the Senator from Ohio would not be liable.

Mr. THURMAN. What has that to do with this case? The Senator from Ohio was not the Government and could not be the Government. Take the case where the Government itself prevented the delivery.

Mr. EDMUNDS. Will the Senator be kind enough to answer the question? The Senator does not answer it because he sees it has something to do with the case. That is what is the matter. I take it therefore to be clear that the Senator from Ohio would be under no obligation to this citizen from Kentucky. Would the Government of the United States be under any obligation to the citizen from Kentucky in the same case because it through military necessity to defend its capital had established a military line around here resisting the rebel forces at that time, and had therefore delayed the entrance of the citizen with his property into the lines of an invested city? Clearly not, although I dare say that will be the law if the numbers of our adversaries on the other side increase after a few years, as I am glad to hope they will not. But now the law is plainly that the United States would not be responsible.

Then, what difference does it make when the United States in its capacity of carrying on business happens to be the contractor, and in its sovereign capacity as defending its capital in a state of war happens to be a belligerent, that because in order to defend its capital, treating all citizens alike and not directing its refusal to this particular man in order to break up his contract, but through military necessity to keep up an absolute cordon impassable about this city, the man loses his property? Where is the difference? In the one case he has contracted to deliver to my friend from Ohio; in the other case he has contracted to deliver to the Quartermaster-General. In neither case is the United States liable, because what is called a breach of contract was a breach from overruling necessity of war. That absolves all parties; and that necessity was just as overruling when the Government in its capacity as sovereign, bound to defend the capital, resorted to this general method of defense by preventing any passage of the lines, applying to its citizens who came to deal with it as well as those who came to be among themselves. There is no difference.

But, Mr. President, I do not want to discuss that question. I only want to say that this bill, upon the face of it, takes it for granted and excludes the Court of Claims from any right to inquire through whose fault in fact it was that this property did not come through the lines; whether this man was keeping his mules back, under pretense of inability to get through, in order that the rebels might take them, or whether he was not. You do not allow the court to inquire

into that subject at all. Your bill declares that he shall have compensation in consequence of the refusal of the pickets to let him through. You take all that to be proved now. You do not allow the court to take testimony on the subject. Is that the way to get at the truth? I do not mean to say that I have any knowledge or suspicion that this man did not do everything he could. I only say if you are going to have a trial in court, have one; do not undertake to decide in advance and without any testimony the part of the case which makes you liable, and then send the man to a court to get his pay.

Mr. President, if this had been a bill which simply declared that under the circumstances of this man's trying to get redress through Congress he had been misled in not going to the Court of Claims for the breach of his contract, and simply declaring that it removed the statute of limitations upon any right of action that he might have had, without foreclosing that question, it would have been a very different bill from the one before us. Then the man would have had exactly the right for a breach of this contract that he had the day after it was broken, if it was broken at all. But this does not undertake to do that. There would be grave doubts about the propriety as a matter of precedent to other citizens, because every one of these things is drawn into precedent, if even consenting to remove the statute bar. But this bill takes the whole thing by the body and does not treat it as a question of violation of contract at all; it treats it as a question of belligerent capture and declares that there was such a capture on account of the military operations of the United States; and then says that the court according to its rule of practice—and who in the world knows what that is? I do not—shall proceed to determine the amount this man shall have.

Mr. President, I move that this bill be postponed until the first Monday in December, when we can have time to consider more particularly the important questions contained in it.

Mr. DAVIS. I believe the yeas and nays have been ordered.

The PRESIDING OFFICER. The Chair so understands.

Mr. EDMUNDS. That was on the third reading. I want the yeas and nays now on the motion to postpone.

The PRESIDING OFFICER. The Chair understands that the yeas and nays have been ordered on the third reading of the bill; but the motion to postpone takes precedence.

Mr. HOWE. If the question of postponement can be taken now, I am willing to vote without saying anything.

Mr. STEVENSON. Will the Senator from Vermont withdraw his motion for a second?

Mr. EDMUNDS. No, sir.

Mr. STEVENSON. I only want to offer an amendment to meet his objection.

Mr. EDMUNDS. I want to consider amendments when they come, not in the heat and haste we have now. If the Senator is sincere, as I have no doubt he is, in the belief that this man ought in some way to have reasonable relief, this being a Senate bill, at this time of night on the last day of the Senate, I think he will agree with me that it is not very hard, considering the doubt and difficulty that surround the question in the form it now stands, to let the matter be postponed till the first Monday in December, (because there is no hope that the bill can pass to-day anyhow,) when we consider it fairly, and I confess there will be a good deal of force in the argument then that if you put him back exactly where he was, there might be some ground for it, though I do not commit myself on that point. Therefore I insist on my motion to postpone the bill till the first Monday in December.

Mr. STEVENSON. I call for the yeas and nays on that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WADLEIGH, (when his name was called.) The Senator from Kentucky having agreed to amend the bill to remove the objection of the Senator from Vermont—

Mr. EDMUNDS. Debate is not in order.

The PRESIDING OFFICER. Debate is not in order.

Mr. WADLEIGH. I wish to explain my vote.

The PRESIDING OFFICER. Debate is not in order during the call of the roll.

The roll-call being concluded, the result was announced—yeas 19, nays 29; as follows:

YEAS.—Messrs. Allison, Boutwell, Buckingham, Carpenter, Chandler, Edmunds, Ferry of Michigan, Frelinghuysen, Gilbert, Hamilton of Texas, Howe, Ingalls, Jones, Pratt, Sargent, Scott, Stewart, Washburn, and Wright—19.

NAYS.—Messrs. Alcorn, Bogy, Boreman, Clayton, Conover, Cooper, Davis, Fenton, Flanagan, Goldthwaite, Gordon, Hager, Hamlin, Harvey, Kelly, McCreery, Merriam, Mitchell, Norwood, Pease, Ransom, Robertson, Saulsbury, Spencer, Stevenson, Stockton, Thurman, Tipton, and Wadleigh—29.

ABSENT.—Messrs. Anthony, Bayard, Brownlow, Cameron, Conkling, Cragin, Dennis, Dorsey, Ferry of Connecticut, Hamilton of Maryland, Hitchcock, Johnston, Lewis, Logan, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Ramsey, Schurz, Sherman, Sprague, West, and Windom—25.

So the motion was not agreed to.

Mr. STEVENSON. Now, to obviate the objection suggested by the Senator from Vermont, so as to avoid all conclusions of fact, I move in line 4, after the word "consequence," to add the words "as he alleges."

Mr. HOWE. Mr. President, I voted to postpone the further consideration of this bill. I shall vote against the passage of the bill. It does seem to me that the Senator from Kentucky on a little con-

sideration would agree that whether Wilson ought to be paid for these mules or not, we ought never to pass this bill. Why do we send this man to the Court of Claims? Is there a question of fact on this record to be tried anywhere? Is there anything but the plainest question of law to be settled? It seems to me not. The bill recites that this man Wilson agreed with the quartermaster to sell him on behalf of the Government some mules, and to deliver them to him in the city of Washington; that he did not deliver them to him because he could not pass through the picket lines when he was on his way to deliver them. Therefore he did not deliver the mules. Now you propose to send that contract to a court of law to adjudicate. I cannot assume to know that court of law would not say that when Wilson was stopped out here at Bladensburg by a picket line he was in Washington and tendered his mules to Rucker. I can only say if the court did so I would vote to impeach every one of the judges if they were presented here for trial. It seems to me that every lawyer must say that that is not delivery.

I was absolutely astonished at a proposition of law submitted here just now by the Senator from Ohio. If I understood him correctly, he affirmed this broad proposition: that if a man promised to deliver to another at a given time and place anything, and brought it to his house and found the doors locked, although rightfully locked, he might leave the property in the street, and that was a good performance of the promise. If he means to say just that, it amounts to this: that if you promise to pay a sum of money on a given day and go to the place at nine or ten o'clock and find the doors locked, you may lay the money down on the door-step, and you have tendered the money and canceled your contract!

I do not know but that there may be equitable considerations which should call upon Congress to pay for these mules. There may be legal considerations, in spite of what I say to the contrary; but if there are legal considerations, know it to-day; there is the whole record before you. Why ask the advice of the Court of Claims? If upon this statement Wilson ought to have pay for his mules, pay him, not dodge, not send the question to any other tribunal. The Court of Claims I should think would be apt to inquire of you why you did not pay him yourself. There is no question that you want to have settled; there is no dispute as to the facts of the record as presented. There may be other considerations in the case that are not suggested.

Mr. President, there may be equitable considerations which call upon the Government to pay for these mules. Those considerations do not arise from the fact that the contractor was on his way to Washington and was stopped because there was a picket line extended between him and Washington. That picket line was rightfully there. If he tried to communicate with the Government through that picket line, if the officer of the guard received notice that he was there, a contractor with property which he had undertaken to deliver in Washington, and the officer would not send that communication, which he could have done within thirty minutes, if he made his best endeavors to communicate that fact to the Government, it may be that we should take that into consideration and make good to him the loss; but the Court of Claims ought not to do it. That is a court of law. That court can only give judgment when the contract is not only proved but the performance is proved, and there is no pretense that there was a performance of the contract in this case.

I was struck with the fact appearing in the report of the committee, the statement that although this man alleges that he was stopped by the picket line, it does not appear that he made any attempt to communicate with the Government until the next day, when he took the cars and rode into Washington.

Mr. DAVIS. The Senator will allow me to say that the proofs are he did make the best effort he could, and was stopped at three different points by the pickets, and then one of the three parties at the picket line got into Washington the following morning, but could not reach the commanding officer.

Mr. HOWE. The report is different.

Mr. DAVIS. I made the report, and I think I am stating the facts.

Mr. HOWE. I just read the report, and I think the Senator is mistaken about it, or I am. I understand the report to say that there were two parties in charge of the mules; Mr. Wilson was not one of them; so that I understand the report to say that he tried to get in that day, but it does not say what efforts he made, but that he did come in the next day, and came in by the railway on a regular train. The report does not explain why he could not have come in on the first day.

Mr. DAVIS. The report does not state all the details, but as I understand the case the facts are that the mules were in two lots, the first lot in charge of two men, and the other man made three attempts at different points to get into Washington, but could not get in; and finally he got upon the cars and came in.

Mr. HOWE. My friend is mistaken. The first lot was delivered; the next lot of one hundred and seventy or one hundred and ninety was not.

Mr. DAVIS. My friend can hardly say that I was mistaken because the two lots came to the picket lines; the one hundred and seventy mules came through in two lots separated from each other. They were not all together when they came to the picket lines.

Mr. HOWE. The report is right here in the hands of my friend from New Hampshire, [Mr. WADLEIGH.]

Mr. DAVIS. I am not mistaken about that.

Mr. HOWE. The Senator may not be mistaken about the fact, but he is mistaken about the report, because it is right here in the hands of the Senator from New Hampshire, and he corroborates what I say.

Mr. DAVIS. What the report says I may not recollect, because it does not contain all the details; but the facts are as I state and as the papers bear out.

Mr. HOWE. I am not disputing the fact; I do not know how the fact is; I am speaking of the report. The report says that the one hundred and seventy mules were in charge of two servants of the contractor, Wilson; that he could not come in because of the picket line. The report does not say that he applied to the officer in charge of the picket line at all; but the second day, it says, one of the men in charge of the mules came into Washington on a regular train, got the order to bring in the mules, and went out and then the mules were taken.

This, however, has nothing to do with the question whether we are to refer this case to the Court of Claims. I am opposed to referring it to the Court of Claims, because there is no case stated here upon which a court of law could honestly give judgment, and I would not invite them to give a dishonest judgment.

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

The amendment was agreed to.

Mr. WADLEIGH. It seems from the report made by the committee in this case that this claimant was a loyal man; that he made with the Government a contract to deliver here in this city a certain number of mules; that he delivered a part of those mules here according to his contract and was proceeding to deliver the rest according to the contract, and got near to this city and to a point from which he might have reached the city and could beyond any doubt have reached the city and delivered the mules according to the contract, but he was stopped by the agents of the Government who were acting under the orders of the Secretary of War, and acting rightfully. But by those orders and by the action of the Government itself he was prevented from carrying out his contract, and there was nothing in the world to prevent him from carrying out his contract except the order of the Government of the United States. Under these circumstances I should be in favor of paying this man a just and equitable compensation.

My friend the Senator from Wisconsin has said that he did not deliver the mules according to his contract. That is perfectly true; the mules were not delivered in Washington; but he offered to deliver the mules in Washington and the Government refused to accept them; and they should pay damages for the non-acceptance of the mules according to the contract, he having done everything in his power to perform the contract, being prevented from performing it only by the act of the Government itself. My friend from Pennsylvania [Mr. SCOTT] shakes his head as if I was wrong; and knowing him as I do, I am almost inclined to believe I am; but I must be guided by my own convictions of right and duty, and guided by those convictions of right and duty I am ready to vote for this bill as amended on the motion of the Senator from Kentucky.

The PRESIDENT *pro tempore*. The question is on ordering the bill to be engrossed for a third reading, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 29, nays 16; as follows:

YEAS—Messrs. Alcorn, Boggs, Boreman, Clayton, Cooper, Davis, Dennis, Fenton, Flanagan, Goldthwaite, Gordon, Hager, Harvey, Hitchcock, Kelly, McCreery, Merriam, Mitchell, Morton, Norwood, Patterson, Ramsey, Ransom, Saulsbury, Sprague, Stevenson, Stockton, Thurman, and Wadleigh—29.

NAYS—Messrs. Allison, Anthony, Boutwell, Buckingham, Chandler, Edmunds, Ferry of Michigan, Frelinghuysen, Gilbert, Hamilton of Texas, Howe, Ingalls, Pratt, Scott, Washburn, and Wright—16.

ABSENT—Messrs. Bayard, Brownlow, Cameron, Carpenter, Conkling, Conover, Cragin, Dorsey, Ferry of Connecticut, Hamilton of Maryland, Hamlin, Johnston, Jones, Lewis, Logan, Morrill of Maine, Morrill of Vermont, Oglesby, Pease, Robertson, Sargent, Schurz, Sherman, Spencer, Stewart, Tipton, West and Windom—28.

So the bill was ordered to a third reading. It 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 further insisted on its disagreement to the amendments of the Senate to 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, agreed to further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. N. TYNER of Indiana, Mr. J. G. CANNON of Illinois, and Mr. S. S. MARSHALL of Illinois, managers at the second conference on its part.

The message further announced that the House had passed the bill (S. No. 930) to authorize the Farmers' National Bank of Greensburg Pennsylvania, to change its location and name, with an amendment in which it requested the concurrence of the Senate.

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

A bill (S. No. 277) making an appropriation for the payment of \$792.46 due the late James L. Day, of Connecticut for transporting the mails over post-route No. 8151;

A bill (S. No. 443) to provide for the payment of legal services rendered by Edmund Randolph to the United States;

A bill (S. No. 552) to refund to E. & J. Koch certain customs duties;

A bill (S. No. 875) for the relief of Thomas Hughes; and

A bill (S. No. 849) to prevent hazing at the Naval Academy.

REPORTS OF COMMITTEES.

Mr. CARPENTER, (Mr. WRIGHT in the chair,) from the Committee to Audit and Control the Contingent Expenses of the Senate, who were by a resolution of the Senate of January 26, 1874, instructed to inquire into the expediency of excluding all articles from the stationery-room except paper, pens, pencils, ink, envelopes, and macilage, asked to be discharged from the further consideration of the subject; which was agreed to.

He also, from the same committee to whom was referred a resolution offered by Senator WEST directing the Secretary of the Senate to pay John Ray and William L. McMillen each full compensation as Senator for the unexpired term for which they were elected, as shown by their respective credentials, until the 4th of March, 1873, submitted a report thereon, which was ordered to be printed; and accompanied by the following resolution:

Resolved, That the actual expenses necessarily incurred by John Ray and William L. McMillen, claimants to a seat in the Senate from the State of Louisiana in the Forty-second Congress, in presenting their respective claims to a seat in the Senate, be paid out of the contingent fund of the Senate, which expenses shall be presented, itemized, and verified by the oaths of said Ray and McMillen, respectively, and the amounts shall be audited by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CARPENTER also, from the same committee, to whom was referred the motion of Mr. HAMLIN that hereafter no order or requisition for stationery for the use of the reporters' gallery of the Senate shall be issued by the Presiding Officer of the Senate, which reference was accompanied with instructions to the committee to report to the Senate when the practice of furnishing stationery to the reporters' gallery began, the cost of stationery furnished, and whether such practice should not be discontinued, submitted a report thereon; which was ordered to be printed, accompanied by the following order, the adoption of which is recommended by the committee:

Ordered, That the Select Committee on the Revision of the Rules direct the supply of such articles of stationery as they may deem expedient to those entitled to admission into the reporters' gallery, and that their orders therefor be filled by the keeper of stationery.

Mr. CARPENTER. I am directed by the Committee on the Judiciary, who were by a resolution of the Senate of May 8, 1874, instructed to inquire whether section 3 of the "act to establish a police court for the District of Columbia, and for other purposes," approved June 17, 1870, in so far as it denies a trial by jury, be constitutional, to ask to be discharged from the further consideration of the resolution. A bill was reported on this subject the other day, and this resolution should have been returned at that time, but was overlooked by mistake.

The PRESIDING OFFICER, (Mr. WRIGHT in the chair.) The committee will be discharged if there be no objection.

GENEVA AWARD.

Mr. FRELINGHUYSEN. The conference report on the Geneva award bill was partially read when the Senate took a recess. I ask that the reading proceed.

The Chief Clerk resumed and concluded the reading of the report, as follows:

The committee on conference on the disagreeing votes of the two Houses on the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain, having met, and after full and free conference, have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its amendment to the bill of the Senate and agree to the same with the following modification, namely: Strike out section 5 and insert as section 5 a new section in the words following:

"SEC. 5. That the President may designate a counselor at law, admitted to practice in the Supreme Court of the United States, to appear as counsel on behalf of the United States, and represent the interests of the Government in said suit, and in all claims filed for indemnity for losses, as provided by this act, subject to the supervision and control of the Attorney-General. Such counsel shall receive for his services and expenses such reasonable allowance in each claim as may be approved by the court, to be apportioned in each claim adjudicated, and paid from said award upon the certificate of one of the judges."

Strike out, commencing on line 11, section 11, "and all claims provable or to be allowed under this act shall be stated and adjudged upon the basis of United States gold coin at the time of the loss" and insert instead "all claims."

Strike out in section 14, commencing on line 4, the words "shall retain in the Treasury 5 per cent. of the amount of the judgments rendered by the said court," and on the eighth line of same section strike out "95 per cent. of." Commencing on the twenty-second line of the same section strike out the words "deducting nevertheless from each of the said judgments and retaining in the Treasury 5 per cent. of the amount of the said judgments respectively."

On second line of the fifteenth section strike out the words "in coin."

On the twenty-seventh line of the same section strike out the words "the same shall be carried to the general fund of the Treasury," and insert instead "the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon."

After the sixteenth section insert the two following sections, to wit:

"SEC. 17. In ascertaining the amount of such losses, the memorials, affidavits, depositions, and any other papers in the several cases of losses claimed respectively, now filed in the State Department, or official copies thereof, may be read in evidence: *Provided*, That no affidavit shall be read except where it appears to the satisfaction of the tribunal that the affiant cannot be produced before it as a witness or his testimony taken by commission upon interrogatories; and in the hearing of the cause any party claiming shall produce all books, papers, letters, and documents that may be called for by a general description thereof by any opposing party, or satis-

factorily account for their loss or non-production, or suffer such judgment as is prescribed in section 15 of the act entitled "An act to establish the judicial courts of the United States," approved September 29, 1879; and on the hearing of the cause any competent evidence may be produced by either party, either *visa voce* or by deposition taken upon interrogatories; and for this purpose depositions may be taken by either party *de bene*, or the court may admit affidavits where it is satisfactorily shown that the witness cannot be produced or his examination by interrogatories and cross-examination cannot be had.

"SEC. 18. That in case any judgment is rendered by said court for indemnity for any loss or claim hereinbefore mentioned against the United States at the time of the giving of the judgment, the court shall, upon motion of the attorney or counsel for the claimant, allow out of the amount thereby awarded such reasonable counsel and attorney fees to the counsel and attorney employed by the claimant or claimants respectively as the court shall determine is just and reasonable, as compensation for the services rendered the claimant in prosecuting such claims, which allowance shall be entered as part of the judgment in such case, and shall be made specifically payable as a part of said judgment for indemnification to the attorney or counsel, or both, to whom the same shall be adjudged; and a warrant shall issue from the Treasury in favor of the person to whom such allowance shall be made respectively, which shall be in full compensation to the counsel or attorney for prosecuting such claim; and all other liens upon, or assignments, sales, transfers, either absolute or conditional, for services rendered or to be rendered about any claim or part or parcel thereof provided for in this bill heretofore or hereafter made or done before such judgment is awarded and the warrant issued therefor, shall be absolutely null and void and of none effect."

And the Senate agree to the same.

F. T. FRELINGHUYSEN,
GEO. G. WRIGHT,
Managers on the part of the Senate.
BENJ. F. BUTLER,
WM. P. FRYE,
Managers on the part of the House.

Mr. THURMAN. I wish to know the status of this report. I was not in when the reading commenced, and I was told upon my return by half a dozen Senators or more that no vote was taken upon proceeding to the consideration of the report and that the question was will the Senate proceed to its consideration, and that thereupon a call was made for the reading of the report for information.

The PRESIDING OFFICER, (Mr. WRIGHT.) The Chair understands the question to be on agreeing to the report of the committee of conference. The report is now before the Senate.

Mr. THURMAN. It is very indifferent to me how it is; but I was told by divers Senators that the motion was made and never put whether the Senate would proceed to the consideration of the report. The PRESIDING OFFICER. The report is before the Senate.

Mr. THURMAN. The Senator from New Jersey who makes the report is entitled to state what it is to the Senate, if he desires to do so.

Mr. FRELINGHUYSEN. Mr. President—

Mr. CLAYTON. I wish to ask the Senator from New Jersey, without displacing the regular order, to allow me to call up a resolution from the Committee on Territories.

Mr. FRELINGHUYSEN. If it does not take time.

The PRESIDING OFFICER. The resolution of the Senator from Arkansas will be read.

Mr. CLAYTON. It was a resolution reported the other day from the Committee on Territories to authorize the committee to sit during the recess.

Mr. BOUTWELL. I object to the resolution.

The PRESIDING OFFICER. The Senator from Massachusetts objects, and the resolution cannot be considered now.

Mr. FRELINGHUYSEN. The committee of conference had many interviews in reference to this bill. The result was that the House of Representatives receded from its amendments and adopted the Senate bill with some modifications. Passing by formalities, the shape of the report and of the bill which will be formed on this report now, is this: that those are paid out of this fund who every Senator here and every member of the House of Representatives unanimously agree are entitled to be paid; and that is all. There ought to be no doubt or question as to the propriety of adopting this report when the report provides that those shall be paid who every Senator and every Congressman has voted should be paid.

Mr. MORTON. Will the Senator name the class?

Mr. FRELINGHUYSEN. The class to be paid are those who have suffered losses by the Alabama, the Florida, the Shenandoah after she left Melbourne, and their tenders, those whose claims were allowed by the Geneva arbitration. That includes those insurers who have suffered loss. But the report is much more liberal toward other classes than the Senate bill. The Senate bill provided that after those were paid the remainder of the fund should be covered into the Treasury. The report expressly provides that it shall remain a fund subject to such claims as Congress may authorize against it. Therefore all that we do is to pay those that everybody agrees are entitled to be paid, leaving the question as to war premiums, as to insurance companies, as to those who suffered loss by means of other confederate cruisers, to be determined hereafter. It seems to me that it would be a great act of injustice, it would be a great act of dishonesty for this nation, after two or three years, to withhold payment from those who every member of Congress of both Houses agrees are entitled to be paid.

The House of Representatives further concede to the Senate the right to have this question determined by a commission, instead of going through the courts. So that we have substantially the Senate bill modified in that it leaves the question open for further claimants. Of course we had to concede something, and there is a certain machinery as to the attorneys and counselors and the compensation which they are to receive. In that regard we adopted the House bill;

but that subject is always open and under the control of Congress. That provision, which was introduced here in the Senate against the will of the committee, that the claimants should settle their accounts in gold, has been stricken out and the whole subject is left open to the adjudication and determination of the tribunal. I hope that this bill will at once receive the approval of the Senate.

Mr. THURMAN. Mr. President, I know how difficult it is to defeat the report of a conference committee, no matter how unjust and erroneous that report may be. The very worst legislation that passes Congress passes in the shape of the adoption of the reports of conference committees. They pass at the last hours of the session when it is almost impossible to get the ear of anybody; and I do not know now that I shall be listened to on this subject by one-third of the Senators whose votes will ultimately determine the fate of this bill. But, sir, I am serious in this matter, and I hope that some at least will listen to the objections I have to this report.

The Senator from New Jersey says that it would be an act of great dishonesty not to pay those who every member of Congress agrees are entitled to be paid. I say so too; I said so a year ago when we sought then to get the managers on the part of the House to agree to precisely a bill of that character; and if this bill was that which it has been described to be, a bill to pay those who every member of Congress agrees are entitled to be paid and remit the claims of others to the consideration of Congress at a future day, then it would receive my support if another error in the bill were corrected. But is it that bill? I am very glad to hear the Senator from New Jersey say that that is the bill; I was very glad to hear the Senator from Vermont this afternoon say that was the bill; and I hope that their interpretation placed on the bill will not be forgotten in the future. But I do say that if even ambiguous words were used to be brought up in the future to defeat that very interpretation, this bill contains those words. If that was the object of this bill, why in Heaven's name was it not placed in clear and honest language? It could have been put in ten lines, that all the uninsured property destroyed by the cruisers for whose acts Great Britain was held to be responsible, should be paid out of this fund—that is all that was necessary—and that the claims on the residue of the fund should be remitted to Congress to determine in future. That would have been all simple, all plain. There could have been no question at all about it.

But what is the language of the bill? So far from that being the case, the managers take the twelfth section of the Senate bill, containing among other things this provision:

And no claim shall be admissible or allowed by said court by or in behalf of any insurance company or insurer, either in its or his own right, or as assignee, or otherwise, in the right of a person or party insured as aforesaid, unless such claimant shall show, to the satisfaction of said court, that during the late rebellion the sum of its or his losses, in respect to its or his war risks, exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance, the same shall not be greater than such excess of loss.

This conference bill then provides for the adjudication and payment of all the uninsured property which everybody agrees ought to be paid for. It then goes further and provides that insurance companies may be paid, if upon an exhibit of their business they have sustained loss, the excess of their loss above their profits. It expressly, therefore, provides for insurance companies, but limits the amount of their payment to the excess of their losses over and above their profits. It contains that very provision in the bill which upon the fullest vote that was taken in the Senate was voted out of the bill in the Senate by 8 majority.

Mr. EDMUNDS. Will the Senator allow me to suggest to him—

Mr. THURMAN. I would rather not be broken in upon right here in the midst of a sentence. I will listen to the Senator with pleasure after a while.

Now, sir, every member of Congress did not admit the right of insurance companies even to that amount of payment, for there are votes for excluding them entirely; but this bill provides, as I said before, for the payment of the uninsured property destroyed by the guilty cruisers; and by "guilty cruisers" I mean those whom the tribunal at Geneva held to be guilty. It provides for the payment of uninsured property, which every member of Congress and everybody else admits are valid claims and ought to be paid; and then it goes on to provide that the insurance companies may be paid their losses over and above the gains upon their business, the excess of loss—not paid the amount of their claims, not paid for the property which they had insured and which had become theirs by virtue of subrogation and assignment, but simply shall be paid, provided upon an exhibit of a balance-sheet by them it shall appear that their losses exceeded the amount of their gains, and then they shall be paid only the excess.

Having provided, Mr. President, for payment to these insurance companies who sustained loss on their whole business the amount of the loss, provided that amount does not exceed the amount of the policy, what further does this bill provide in respect to the remainder of the fund? Why, sir, it provides that after having paid for the uninsured property, and after having paid the insurance companies the excess of their losses over and above their gains growing out of the fund, then "if there shall remain any part of the said money"—now comes the conference committee's language—"the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon." What is meant by "other claims thereon?" What will it be said to mean next winter? It will be said

to mean claims other than claims of insurance companies; it will be said to mean that the claims of insurance companies are provided for in this bill and limited to a certain recovery, and that the other claims which may come in upon the remainder of this fund are the claims other than those of the insurance companies. That is the meaning of this language, or at least that is what will be claimed to be its meaning when this matter comes up next winter if the bill should pass.

Mr. EDMUNDS. I should like to ask a question. I will not now put the question I desired to put when the Senator declined to yield, because he has gone beyond that part of the subject. On this part he says it will be claimed next winter that the words he has read will be construed to mean other claims than those of the insurance companies. Does the Senator think that is the true and fair meaning of the language as it reads? Or is it the fair and true meaning, as it reads, that claims other than those allowed or adjudicated upon by the tribunal are open for the further adjudication of Congress, and inasmuch as we only authorize the adjudication of a certain class of insurance claims and not those in respect of which the companies made a profit, is not the fair meaning, let me ask the Senator, that there will be open for consideration next winter the claims of insurance companies to the full extent that they have demanded, except so far as we have already provided for them by the cases which we have allowed?

Mr. THURMAN. What is far more important to those who I think are entitled to justice in this case, is that I should know what the Senator from Vermont thinks of this bill.

Mr. EDMUNDS. Does the Senator decline to answer the question I put to him?

Mr. THURMAN. No, sir; but I would prefer greatly to have the Senator's answer first.

Mr. EDMUNDS. I think I will have the Senator's answer first, because I put the question first, and then I will answer him when it is my turn.

Mr. THURMAN. I will only say that if I had to decide it I should put upon those words this construction: that "other claims" would include the claims of insurance companies to that which they had not received under this bill but which they claim they are entitled to receive.

Mr. EDMUNDS. Then the Senator thinks they would be entitled under this act to come in for a further claim.

Mr. THURMAN. I say if I had the decision, that would be my decision.

Mr. EDMUNDS. And if the Senator had the decision he would decide according to his honest judgment?

Mr. THURMAN. Certainly I should.

Mr. EDMUNDS. I should decide in exactly the same way, and that answers the Senator's question.

Mr. THURMAN. I am glad to hear the Senator say so.

Mr. EDMUNDS. I have no doubt of it at all.

Mr. FRELINGHUYSEN. Will my friend permit me?

Mr. THURMAN. Certainly. I should like to have as many as possible.

Mr. FRELINGHUYSEN. I may further say, I should decide that question exactly as the Senator from Ohio and the Senator from Vermont have stated that they would decide it, and I would strengthen my decision by referring to the context to which I call the attention of the Senator from Ohio:

And after the payment of the said judgments and the reimbursement of the expenses as herein provided, if there shall remain any part of the said money, the same shall be and remain a fund from which Congress shall hereafter authorize the payment of any other claims thereon.

"Any other claims" means other claims than those which have been paid, and clearly includes the war premiums, the insurance companies, the losses by other confederate cruisers, if Congress think that either of those classes is a proper claim.

Mr. THURMAN. Well, Mr. President, I must say that I am rejoiced to hear that interpretation put upon it by these managers; and I hope it will not be forgotten next winter should this bill become a law; but I venture to say that if we live to see this subject up again before us, there will be men, not the Senator from New Jersey, not the Senator from Vermont, but there will be men to put directly the opposite interpretation upon these words.

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

Mr. THURMAN. Certainly.

Mr. EDMUNDS. I do not mean to interrupt the Senator in his remarks unless he is entirely satisfied.

Mr. THURMAN. It is no disturbance.

Mr. EDMUNDS. I should like to ask the Senator, supposing his interpretation upon this point, and mine and that of my friend from New Jersey, to be the correct interpretation, as we all agree it is, what is the objection to agreeing to this report because in that point of view it seems to provide merely for the time being for those who both parties agree ought to be paid anyhow?

Mr. THURMAN. Because the Senator from New Jersey, the Senator from Vermont, and the Senator from Ohio do not constitute the whole Senate of the United States and much less the Congress of the United States, and I have seen enough on this subject to make me doubt exceedingly—and I say it without disrespect to anybody—whether those who have to settle this great question will always settle it according to the sound dictates of justice and common sense. I am too much afraid of outside pressure and outside influence. I am

not speaking at all of any corrupt influence, I never impute any such thing, but of that pressure that bears on members of Congress and makes them see things in a light that without any such pressure would never in the world be seen by them.

Mr. EDMUNDS. May I ask the Senator what he means by "outside pressure?" Does he mean the pressure that is well understood to have been made by the insurance companies during all this session?

Mr. THURMAN. I do not know of any such pressure.

Mr. EDMUNDS. I do.

Mr. THURMAN. If the Senator does, then the Senator has more knowledge than I have. I spoke of that pressure which unaccountably arrays people of a particular section where particular losers are against anybody else but those losers. That is the kind of pressure that I meant, which influences the member of Congress, who has war-premium men in his district and has no other claimants, to go for the war-premium men whether they have a right to any of this money or not, and which in the same way make the representatives of those whose property was not taken by either of the guilty cruisers in favor of bringing them all in within this award although their claims were expressly rejected by the tribunal at Geneva, and I know very well that those men are not likely to be governed by what is said by three Senators on this floor as to the meaning of this report, for they will say that those Senators might speak for themselves, but they had no right to speak for the Senate of the United States. That will be it. "Who authorized any three Senators to speak for the whole Senate of the United States?" will be the question which these men will put when this subject shall come up again next winter.

I say, further, on this subject that it may be argued, and argued with great plausibility, that four such men as have signed this conference report if they had meant simply that the uninsured property should be paid for would have said so in so many plain words, and it would not have taken ten lines to say it, and that when they have gone all around the bush with three long sections to express that idea, they must have meant something more than that the uninsured property which was lost by the depredation of the guilty cruisers should be paid for, and which every man agrees ought to be done.

I say, then, this report ought to be recommitted, if for no other purpose, to be put in good, plain, honest English, without any ambiguity. We cannot amend it in the Senate. If we could amend it, we could make it plain so as to convey exactly the idea which is said to be its meaning by the Senators from Vermont and New Jersey. But we cannot amend it, and it ought to be sent back that those gentlemen who are quite masters of the English language might employ plain, simple, unambiguous words to express the idea which they mean to convey.

But, Mr. President, there is another reason why this conference report ought not to be adopted, and it is this: The Senate, after careful deliberation and no little discussion, on the motion of my colleague inserted this clause in the bill:

And all claims provable or to be allowed under this act, shall be stated and adjudged upon the basis of United States gold coin at the time of the loss.

These words are stricken out by the conference committee. What is the meaning of striking those words out? As long as those words were in there was a perfect standard by which to try the measure of the losses of these claimants, and no one could obtain any advantage over another. There was a perfect, unvarying standard by which their claims could be tried and adjusted. Now, what is the effect of striking these words out? The effect of striking them out is simply this, and I beg your attention to it: These valuations are to be made as at the time of the losses, according to the affidavits that have been filed in the Department of State. The loss is valued in greenbacks. The consequence is if A had a ship worth \$5,000, and B had another ship worth precisely the same amount of money, and A's ship was lost when gold was 280 and B's ship was lost when gold was only 140, the claim of the one who lost his ship when gold was 280 is exactly twice the amount of his fellow-citizen's who lost exactly the same amount of property in value at a time when gold was 140. That is precisely it. And now the proposition is that men shall have that advantage, that you shall have no uniform standard. Must you not have a uniform standard? How are you to find out what is the amount so that justice may be done relatively between these two parties, so that no man may get any advantage over another by false or erroneous valuations? You must come to some standard. Do greenbacks furnish you that standard? When greenbacks were shifting in value from day to day from 5 to 10 and 20 per cent. when gold went up from 40 per cent. to 280, or greenbacks, in other words, ran down to only thirty-two or thirty-three cents on the dollar, do greenbacks furnish any such standard? Everybody sees at once they do not. The only way in which you can get a proper standard so that each man's loss should be relatively correct with regard to every other man's loss, is to take the gold standard and reduce the loss when stated in greenbacks to the gold standard, and thereby make the same standard for each and every one of these losers. Striking out this clause and giving greenbacks therefore does the grossest injustice to the man whose property was lost when greenbacks were at a less disproportion than they were at the time when another man's property was lost.

But, sir, there is still another objection to that. In addition to the gross inequality that will result from striking out these words, there

is this further injustice, and I might say dishonesty. We received this award in gold; it was paid to us in gold; and having received it in gold we ought to pay the losers in the same medium. There is no propriety in our receiving it in gold and then paying them in a depreciated currency. These valuations were made, assumed to be made at least, on a gold basis, for the award was to pay it in gold, and it cannot be presumed that the estimate was made by the Geneva tribunal on a paper basis, and that then the amount upon that paper basis was ordered to be paid in gold. It must therefore be assumed, and such is undoubtedly the fact, that the estimate upon which that tribunal went was that the amount of \$15,500,000 represented in gold our losses and the interest upon those losses allowed by that tribunal.

Mr. EDMUNDS. Does the Senator say, if I do not trouble him by asking him a question—if I do I certainly do not wish to interfere—does the Senator mean to say that he believes the Geneva tribunal reduced the American claims to a gold basis at the various dates when the destructions took place?

Mr. THURMAN. I say they did as near as they were able to do it, in my belief. I cannot suppose they were guilty of the absolute nonsense of taking those claims upon a paper basis that was fluctuating every day, and ordering Great Britain to pay them in gold. I cannot believe any such thing. We do not know precisely the process by which they did arrive at it; but we do know something of the process. We know that the British counsel argued, and the British Board of Trade argued, that most probably the claims were stated in greenbacks and ought to be reduced to gold. That we know because it is in the report; but when it was provided in the treaty and when the award of the Geneva tribunal was that the payment was to be in gold of the amount found due by them, it must be held that they understood that the damages were that much in gold. It cannot be upon any other principle. They could not have awarded it upon any other principle. They did not mean to award damages that never were sustained. They meant to award the damages that were sustained, and the damages that were sustained were so many millions in gold. That is the award which they made, and now we propose to take that gold, and instead of paying that to the sufferers, to pay them in a currency that is depreciated 12 or 13 per cent. That is what we propose to do.

Mr. FRELINGHUYSEN. If my friend will permit me, I do not think there is anything in this report—if there is I am not aware of it—that decides how the payment shall be made. The bill as passed by the Senate and the report together amount to this: that we appoint a competent court, consisting of five members, who are to decide the several cases that come before them in conformity with the principles of law and the merits of the several cases, without determining one way or the other whether the calculation is to be made in greenbacks or in gold; and I do believe, with all respect to my friend, that a competent court of five judges will come to as just a determination with calm deliberation as we shall in these expiring hours of a weary session.

Mr. THURMAN. Mr. President, I would think so too if it did not happen—I wish I had a greenback in my pocket—

Mr. FRELINGHUYSEN. I have got one which I will lend the Senator.

Mr. EDMUNDS. I supposed the last act we passed would have filled your pockets before this time.

Mr. THURMAN. I did not understand the Senator.

Mr. EDMUNDS. I supposed the grand finance act would have filled the Senator's pockets with greenbacks before this time.

Mr. THURMAN. I was against inflation.

Mr. EDMUNDS. I supposed you would have your share after you got it.

Mr. THURMAN. I have got a one-dollar note. I am very much afraid if this matter is left as this conference committee reports it, when the claimant comes for his money the Secretary of the Treasury or the Secretary of State will pull out a greenback and read to him these words:

This note is a legal tender at its face value for all debts, public and private, except duties on imports and interest on the public debt.

Mr. FRELINGHUYSEN. If they should do so the only result would be that there would be more of the fund left for the war premiums, the insurance companies, and those who suffered by the general losses from the cruisers.

Mr. THURMAN. That is all very true; and if greenbacks were only worth twenty-five cents on the dollar and you paid them in greenbacks there would be more left yet, and we might divide it among the people *per capita* and produce a little inflation in that way. The plain matter of it cannot be misunderstood. What would you say of a lawyer that would receive a thousand dollars in gold for his client and instead of paying him the thousand dollars which he had recovered for him should say, "I will give you my promissory note, worth eighty-five cents on the dollar, and I will take 15 per cent. profit and shave on this transaction?" You would say that was a dishonest lawyer. You would put him over the bar very quick, any honest court would, and yet that for which you would debar an attorney it is proposed this great Government shall do; that it having received this award in gold for those who have suffered by the depredations of those cruisers, shall then pay them in its depreciated notes worth not more than eighty-five cents on the dollar and take the remaining 15 per cent. and give it to somebody who was not entitled to it under

the award. If that is honesty I cannot see it. If there is anything that is consistent with justice, with the honor, with the character of this great Government in such a proceeding as that, I confess I am totally unable to see it. That which would make a private man infamous cannot be consistent with the justice and the honor of a great nation.

These are the two principal objections that I have to this conference report. There are some others, but they are of minor importance. There is one that I will allude to, wherein I think it is entirely wrong; and that is that this court of ours are to fix the compensation that attorneys are to receive from the claimants, and that the amount of the compensation thus fixed by the court is to be paid out of the Treasury of the United States out of this award, that is, out of the judgment in favor of the particular client. I always supposed that it was the safest way to let clients and their attorneys make their own bargains, that it was safest for the client and safest for the attorney; but this bill proposes to disable clients from making any such contract, and declares that all such contracts heretofore made, and all that shall hereafter be made, shall be null and void, and that the court shall determine what shall be the compensation of the lawyer, and that the compensation the court shall decree to be taken out of the amount awarded to his client; in other words, disabling those two men from making any contract whatever in regard to the compensation of the attorney. It may possibly be that practically that will work for the benefit of some of these claimants. In some cases, I dare say, it will protect them against dishonest attorneys; but considering what kind of a tribunal it is that this bill contemplates, considering that it is to be a tribunal of five distinguished lawyers, well paid for their services, and before whom the meaner sort of the profession are not likely to appear, it does seem to me that for one case in which a man may be protected by this provision against the exorbitant charges of an attorney, there may be ten cases in which the amount awarded by the court to the lawyer will be exorbitant and excessive; for in a long experience at the bar I have found it to be almost always the case that allowances of lawyers' fees by the courts were far in excess of the amounts that lawyers receive from their clients by contract. That is the general rule, and I think that is a bad feature in this bill; but if the bill were right in other respects—if the bill were not of that ambiguous character that I have pointed out in regard to claims that are reserved for adjudication hereafter, or for the action of Congress hereafter, and if the bill were right in respect to the standard by which the losses are to be tried—I might forego any objection to this minor matter of the allowance of counsel fees by order of the court.

I have only a few more words to say. I have already occupied as much of the time of the Senate as I care to do, but I will mention what I ought to have said when I was considering this question of striking out the provision that the claims should be stated and adjudged upon the basis of gold coin at the time of the loss. One might suppose from the remarks of the Senator from New Jersey that the court would exactly adopt that standard; but can it be supposed, after those words were inserted upon a full debate, if Congress afterward strikes them from the bill, that any court will feel at liberty to administer the act as if those words were retained in it, the very words which Congress has stricken out? I fear not; and therefore I say that those words ought to remain in the bill, and this conference report with those words stricken out ought not to be agreed to.

I shall not to-night attempt to reargue the question about the exclusion of the insurance companies. I know that, unless my mind shall undergo a change, which I do not think it is likely to undergo, I never can vote for any bill that does that great injustice as I believe; and I do say now, and say it in all solemnity, that in my humble judgment there never was so deleterious an example set by any government in the world as is set by the provision in this bill that insurance companies shall recover upon their claims if they have not made profit, but shall not recover if they have made profit. Stripped of its verbiage, stripped of its disguise, tearing away the sophistry from it, it amounts simply to this, that the Congress of the United States says to the people of the United States, a man shall recover upon his claim not according to the validity of his claim, but according to the length or the brevity of his purse. If he is already rich enough, no matter how legal and valid his claim may be, the court shall turn him away from its doors and say, "You have enough already;" but if he has been unfortunate in business, or improvident in business, or in rash and unprincipled speculations, or has taken hazards that no prudent or honest man ought to take, and he has lost in his business, then upon a claim of precisely the same nature the court shall hold out its hands, welcome him to the portals of justice, give judgment in his favor, and execution to enforce the judgment. Talk about communism; talk about red republicanism; there never has been any greater communism than that which is written in this bill which says that a man shall recover, not upon the validity of his claim, not upon the law which applies to it, but shall recover according to whether he has been successful or unsuccessful in business.

Mr. EDMUNDS. I do not want to occupy the time of the Senate in discussing the ethical question with which the Senator from Ohio has concluded his very entertaining speech. As a peroration, I certainly admire it, because it goes into the regions of fancy and eloquence in such a way as to gild, as the setting sun does the atmosphere, this

conference report which usually is rather a dry thing you know. So I do not propose to begin by that kind of illumination or to leave off by it. It is enough to say that that question is now before the Senate.

The conference report has provided merely to pay all those that both Houses agree ought to be paid, and at this time has not provided to pay anybody else, because the two Houses cannot agree as to paying anybody else. What the use, therefore, is of going into a quantity of midnight eloquence over the subject of those unhappy insurance companies who divided 20 per cent. in coin every year, as I understand, I am not able to appreciate, unless it might be to prejudice the minds of people against the justice of paying those who ought to be paid now, as all agree, and to break down this report, which is of course the end of the bill for this session. That is the question.

I only want to take a few minutes. The Senator is afraid that the term "other claims," which are to be provided for at a future session of Congress if Congress think fit, will exclude the claims of the insurance companies, because they do under this bill file a claim within the jurisdiction of the court. Mr. President, how extraordinary that is! Here we create a court and give it a jurisdiction to try one kind of insurance claims, and that is where the insurance has met a loss. We do not authorize the court to try any insurance claim either way, to reject it or affirm it, where the insurance company made a profit. Those cases are left out altogether.

Then we say that having paid the ship-owner who was not insured, having paid the losses of insurance companies who did not make a gain, having paid the owners of merchandise not insured, and the officers and the sailors, the rest of this money shall be subject to the future disposition of Congress in providing for other claims that may be presented. Now, can anybody doubt that an insurance company is entitled to present its other claim and get it if Congress in its judgment shall think it is entitled to it? The Senator himself—and that ought to be enough for the Senate on this question of justice to these poor men, sailors and officers, who have waited now for three years—the Senator himself says that this report as it reads does not exclude the future consideration of these insurance claims. He does not express himself any doubt about it, on the face of it, and he knows that the other gentlemen of the conference committee and the other members of the Committee on the Judiciary agree with him entirely. He knows if he has read the debate—and I have a right to refer to it on a conference report—that the House of Representatives agreed to this upon the same understanding precisely. Therefore, did I not know the Senator from Ohio, I should imagine that he was resorting to a parliamentary expedient to break down this report altogether and send these empty-handed men who have never been redressed in any way over to some future Congress, because forsooth some other claim that he wanted in did not get in because it was under dispute. But of course I respect the honorable Senator from Ohio too much to believe that he means that; but he acts in exactly the way he would act if he did mean it. So much for that.

Let no man, therefore, vote against this report who wishes to pay the uninsured ship-owner, as the Senator wishes to do and as I wish to do, and the sailor and the officer and the uninsured merchantman, upon the idea that he is afraid that the construction of this bill will prevent the stock insurance companies from appealing to Congress hereafter. He says himself it will not. We have all stated that it will not. Any intelligent person who can read it will see that it will not. The House of Representatives has agreed to it on the ground that it will not, and upon the simple ground that we will do the justice to the uninsured people that we ought to have done last year and leave disputed questions to be considered next time. And as my friend from Wisconsin [Mr. CARPENTER] very properly suggests, if the bill said in terms that it should bind them it would not have the slightest effect. It is the right of every citizen to petition Congress at every session and to get this law reversed if it stood so; but I need not argue that. The Senator from Ohio himself says it does not say so. All of us say it does not say so. The House of Representatives, according to the debate, say it does not say so. Wherefore, then, are you pressed to reject this report, which carries everything over to the next session, upon any such ground? I know the Senator from Ohio does not mean it; but if he were so much in love with these insurance claims that he would ruin all until he could get them, he would pursue precisely the course that he does now. But, as I say, I know he does not mean that. He is overexcited on the subject.

Now let us go a little further. The next trouble is the gold payment. The Senator says the Geneva tribunal made this award in gold. So they did make it in gold. He says they stated the account on a gold basis, reducing all claims to gold, as he supposes. I ask him for the evidence of it. The only evidence he can furnish is the argument of the British counsel, who said that our claims were exaggerated because they suspected that they were stated in currency, and therefore that they were altogether too high. If they were stated in the currency of this country, where they had to build their ships and pay for them in currency and where they bought their merchandise and paid for it in currency to send to foreign countries, where they fitted out their whalers and paid for their supplies in currency, there would be some sense in providing for the payment in such a way that they might be made good. But what is the practical use in saying that these claims shall be stated in gold or shall be stated in currency? If you leave the matter to the tribunal without command either way, as this bill does, that they shall hear and determine these

claims according to their justice, without undertaking to say that they shall be stated in currency or in coin, leaving them a free and wholesome jurisdiction, what are they to do? They are to find out what the real and honest loss of the man was according to the circumstances of his case, and then they can provide either that he shall have an allowance in currency large enough to make it good to him in gold, or that he can have an allowance in gold if they choose so to render the judgment, for the Supreme Court of the United States has decided that it is open for any court in which a party is entitled to have his claim considered as one to be paid in gold to render a judgment for the specific payment. The Senator well understands that. Therefore the leaving out of these words is not a decision adverse to the views of the Senator from Ohio who proposed that clause, [Mr. SHERMAN;] it is not a decision adverse to the view of the Senator from Ohio who now opposes it in his observations, [Mr. THURMAN.] It only refuses to cramp a jurisdiction by laying down in advance a rule the application of which we cannot precisely see, to guide the tribunal; and now, as the bill is left with that struck out, we give the tribunal plenary jurisdiction without undertaking to control its exercise either way, except we say that they shall be guided by the principles of justice and truth. Can anybody complain of such a jurisdiction? I think not, Mr. President; and it is very far from being clear that laying down an iron rule providing for the payment in coin and the statement of the account in coin would resolve itself into an advantage for the claimant who was honest or to the benefit of the Treasury, because it would drive the tribunal to enter into almost every month of the state of the coin premium during the whole war and the value of the ship and cargo—a ship built at one time, fitted out at another, its cargo bought at another. All that would enter into the thing, and the consequence would be that you involve the ship-owners in a constant series of inquiries where they may be overreached by parties who may choose to overreach them, or where the commission may do injustice to a party who does not try to overreach them. Now, if you leave their jurisdiction free as you leave the jurisdiction of every other court free, as you leave the Court of Claims free, to decide according to the law as it is now and to do justice, then the court is enabled to do justice according to the case that is made to it. Why do we not decide, on the Senator's principle, that the Court of Claims for all losses that occurred during the rebellion, contracts unperformed, property taken and used, shall settle with the claimant on a coin basis, have it reduced to that in order that his claim upon us may not be exaggerated or may not be made too small? Because everybody sees that really it is entirely an immaterial question. If you decide these cases upon the basis of currency now and pay them on that basis, you have a uniform standard; and if a man bought or sold on an inflated currency in 1863 so that he really did not lose as much as he appeared to do, then all you have to do is to mitigate his claim accordingly; and if that is the law in the Court of Claims, the law in all the courts of the United States acting between parties, why should it not be the law in a claim against the United States?

On the other hand, suppose the law ought to be that as we got coin we ought to pay coin, then I repeat what I said before that this bill allows the tribunal, it having complete jurisdiction over this subject, to render a judgment payable in coin if it thinks justice requires it to render such a judgment, because over the subject that is committed to it it has just as broad a jurisdiction as has any court over a subject committed to it, and we all know, as the Senator from Ohio does himself, that it is the settled law of this country now that any court in rendering judgment on a claim may declare, if in its judgment the contract or law requiring it, that it shall be paid in coin. That being the case there is no foundation for rejecting this report on the ground that we have not tied up the court in respect to how the account shall be stated, whether in coin or currency. That clause was struck out, not because the conferees of the Senate wished to disobey the vote of the Senate, but because the House would not submit to insert it; and we were endeavoring to reach the point that the Senator with me so strenuously strove for a year ago, and that was to do the very thing this bill now contains. Then the Senator agreed with me that we ought to make everything bend, as we did make everything bend, in offering to the House of Representatives to provide for these uninsured claimants, ship-owners, and sailors, and officers. A year ago when we did that neither the bill of the Senate nor the bill of the House contained anything on the subject of gold statement. Nobody thought that injustice was being perpetrated then; and I very much doubt, if we had not had a screed for a fortnight on the subject of gold, whether it would have entered into anybody's head to make such a proposition. It was a sudden thought that came into the mind of the Senator from Ohio who sits nearest to me, [Mr. SHERMAN,] and who had had his head pretty full of gold and currency questions for the last few weeks before. Nobody ever thought before that there was any necessity for this proposition. It had a certain plausibility. It was agreed to by the Senate, but the House would not agree to it; and now the Senate recedes from that and leaves the tribunal, as we proposed a year ago, with a complete jurisdiction to do the very thing the Senator from Ohio wishes to have done if it thinks complete justice and equity require it.

Where, then, would be the justification for this body to postpone the payment of the claims that all parties on all sides, excepting a very small number in another place that I have no right to refer to on that

point—that all just men I think of all parties agree that it is a shame we did not pay a year ago, on this hair-splitting about what possible construction somebody can put on the bill against the judgment of my friend and all other Senators here on the question of other claims and on dialectics upon the subject of how the account ought to be stated, when we leave it to the tribunal to state it as it thinks according to justice and equity it ought to be stated?

Why, Mr. President, it appears to me that we should occupy an attitude that would not give us much pride to turn over to the world tomorrow morning the statement that we had refused to pay the uninsured ship-owner now that we had the opportunity; that we had refused to pay the poor sailor and the poor officer and the uninsured merchandise-man who have been waiting so long upon the ground that we thought some dishonest or misguided man a year hence might pretend that this law meant something which we say it does not mean or it was possible that this tribunal might not state an account in a way to do justice between all parties when they had the power to do it. I should say,

O, shame! where is thy blush?

Mr. President, there is no foundation for this opposition to this report if Senators are really in earnest in saying that they are willing to give relief to those to whom we ought to give it as they agree, without undertaking to defeat them, because we have not provided for somebody else now, whom Senators believe ought to be provided for. But then the Senator from Ohio says that there is provision about the compensation for attorneys. The Senator well understands the reason why that was put in, I have no doubt. That is to guard the large number of officers and sailors of these vessels and small interests in ships, small interests in merchandise, from the greed of attorneys, who take contingent fees and really swallow up the whole of a man's property in pretending to get it for him, whereas in all those cases where there is no dispute about the facts as we know, it is unnecessary that an attorney should have any fee at all or more than a small one. The party's evidence is in the hands of the State Department now; it is laid before the tribunal by this bill; and if the necessity for an attorney exists at all, it will be where the compensation ought to be almost nominal, because there is very little to do. It was to protect this class of our citizens, as we do now in all the pension cases and as we have for years by the universal acquiescence of both Houses of Congress, against the greed and extortion of that class of attorneys who are constantly preying upon the community, taking contingent fees and exaggerating the difficulties of getting through claims against the Government when there is no need of their services at all. I should have supposed that that would have commended itself to my friend, and so far I think from his remarks it did, but he thought that in large cases of large ship-owners they might be entitled to pay their attorneys what they choose. That might do if they were all of that class; but you cannot make one law for one and another for another. So on the whole I think that is a very wise and proper provision.

I am sorry, Mr. President, that I have taken up so much time as I have, because the gentlemen who have charge of this report are much more competent than I to discuss 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:

A bill (S. No. 906) to relieve C. L. Stevenson, of Virginia, of his political disabilities;

A bill (S. No. 252) to remove the disabilities of John Julius Guthrie;

A bill (S. No. 313) to confirm the purchase of a portion of the site of Fort Houston, at Nashville, Tennessee, and to provide for the donation of the same to the Fisk University for educational purposes; also to confirm in the purchase of certain land at Fort Hamilton, New York; and

A bill (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia.

The message also announced that the House had passed a bill (H. R. No. 3778) changing name and location of Pittsfield National Bank, Pittsfield, New Hampshire, to Second National Bank of Manchester, Hillsborough County, in said State; in which it requested the concurrence of the Senate.

EDUCATION REPORT.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the concurrent resolution of the House for the printing of twenty thousand copies of the report of the Commissioner of Education.

The amendment of the Senate was to strike out all after the word "resolved" and insert:

That there be printed five thousand copies of the report of the Commissioner of Education for 1873; of which twenty-five hundred copies shall be for the use of the Commissioner, and twenty-five hundred copies shall be for sale at the cost of paper and press-work, with an addition of 10 per cent., by the Congressional Printer.

Mr. ANTHONY. I suggested when this matter was first presented to the Senate that it was so late that a conference committee was hardly necessary, that it might be better to take the judgment of the Senate upon the direct issue between the two Houses. The House of Representatives are very anxious to print a large number of this document. The Senate has not been in favor of printing so many.

The Senate proposed to print five thousand, twenty-five hundred for the use of the commissioners and twenty-five hundred for sale at cost and 10 per cent. added. The House wish to print twenty thousand for the Senate, the House, and the commissioners. I move, to take the sense of the Senate, that the Senate recede from its amendment, which will leave the order stand for printing twenty thousand. I understand that the post-office appropriation bill makes provision for sending these documents through the mails at a reasonable price.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that the Senate recede from its amendment.

Mr. SHERMAN. I must object to the consideration of this matter until the Senator from Maine [Mr. MORRILL] is present, who is now engaged in committee of conference on the sundry civil appropriation bill I am told. As soon as the post-office appropriation bill is settled there will be no difficulty in passing on this question.

Mr. ANTHONY. Is there not another concurrent resolution on the table from the House?

The PRESIDENT *pro tempore*. Does the Senator wish to have this resolution laid aside?

Mr. ANTHONY. Yes, sir.

VIENNA EXPOSITION REPORTS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That of the reports of the United States commissioners to the Vienna exposition there shall be printed, under the direction of the Secretary of State, four thousand copies for the House, two thousand copies for the Senate, and one thousand copies for the Secretary of State.

Mr. ANTHONY. These reports, if they are at all like the reports of the Paris exposition, are very valuable and should be printed. The reports of the Paris exposition are among the most valuable documents we have printed since I have been connected with that department of the public service, and I think they have paid back to the Government many times the cost of our representation at the exposition. I move that the Senate concur in the resolution.

The motion was agreed to.

CHANGE OF LOCATION OF A BANK.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 930) to authorize the Farmers' National Bank of Greensburgh, Pennsylvania, to change its location and name.

The amendment was at the end of section 2 to add the following proviso:

Provided, That all expenses incident to the proposed change, including engraving, shall be borne and paid by said bank.

Mr. SCOTT. I move that the Senate concur in that amendment.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3774) for the relief of the widow and children of General William Gates, United States Army, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. No. 3778) changing name and location of Pittsfield National Bank, Pittsfield, New Hampshire, to Second National Bank of Manchester, Hillsborough County, in said State, was read twice by its title, and referred to the Committee on Finance.

GENEVA AWARD.

The Senate resumed the consideration of the report of the committee of conference on the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain.

Mr. THURMAN. Mr. President, the answer of the Senator from Vermont [Mr. EDMUNDS] to the objection I have taken to this report because it strikes out the words "that the claims shall be stated on a gold basis, and paid in gold," is, I submit, no answer at all. It certainly is no answer to that to say that last winter when this bill was before this body no one had noticed the injustice that would result from the want of such a provision as "that." I confess that it did not occur to me; it did not occur to the Senator from Vermont; it was not mentioned in the debate, long and earnest as that debate was; no one thought of it, but the moment my colleague suggested it at this session and moved his amendment it struck everybody almost as being not only a proper amendment, but as being a necessity, in order to do justice between the different claimants. Hence it was carried and carried I think by a very large majority of this body, and it ought never to have been abandoned. It is no answer at all to say that the necessity for that was not discovered beforehand. Why, sir, bills have sometimes passed this body—and we can recollect some notable instances too—in which the effect of the bill was directly the opposite to that which was intended by its promoter, and nobody ever yet thought that it was a subject of censure or a matter of logical argument to say, "You did not object at the time," when the truth was that the person spoken to did not discover the defect in the bill.

Now, one thing is perfectly certain: if you would do justice between these different claimants you must have one uniform standard by

which to measure their losses. Nothing can be clearer than that. You must have a uniform standard. The Senator from Vermont says that the court may do justice according to the equity of each case. The court cannot do justice according to the equity of each case unless it does in every case value the property by the same standard. It is a simple impossibility. You might as well say that it could do justice by having a different yard-stick or a different ton-weight for each measurement of each particular vessel that was lost or destroyed. You must have one standard to which all claims are to be referred, or relatively between the different claimants some men will be paid too much and others will not get their share. Now, what standard can you have? In the very nature of things it is impossible that you can have any other standard than gold. You cannot have greenbacks as the standard. They were fluctuating during the time these depredations took place from 5 to 10 per cent. a day, and ran down until ultimately gold was 280 and greenbacks therefore were worth only thirty-two or three cents on the dollar. That was the state at the time that some of these losses occurred.

Now, says the Senator from Vermont, contracts were made payable in greenbacks, and the courts enforce them, and the judgments are paid in greenbacks now, years afterward. That is not an analogous case to this. These vessels were lost on the high seas. They were lost far off. They were lost where greenbacks were not then used. It is not like the case of an injury or a contract happening here upon land, where payment of the damages is made every day. It is a case where the loss takes place at a distance, not a subject of a contract at all, but the subject of damages which have been paid to us.

That being the case, what are we to do? Are we not to do equity between these people relatively? Are we not to award to each one of them such an amount for his loss as will do him no injustice and do no injustice to anybody else? Are we to adopt a standard which will enable one man to get twice as much as another, when the property lost by each was of precisely the same value? That is what must inevitably result if you do not adopt some uniform standard; and, as I said before, there can be no uniform standard but that of gold.

This matter was overlooked before. It is not so much a question about mere payment in gold now, but it is for the other reason which I spoke of before; it is because you cannot do justice between these different claimants unless you measure their claims by the same yard-stick, unless you try their losses by the same standard, and you cannot do that unless you value them in gold.

Again, I do say, and the argument is perfectly irresistible and it has not been answered at all, that the Geneva tribunal must have computed these losses in gold, must have considered that it did so. It never intended to compute them in a currency worth but seventy-five or fifty cents in the dollar at the time the losses occurred, and then make Great Britain pay for them in gold. It was guilty of no such absurdity as that. The treaty provided for payment in gold, and the award being in gold, it is utterly impossible that those sensible and able men should ever have computed them in any other medium than gold. Then, as they allowed interest, they must have gone on the hypothesis that these losses at the time they occurred were represented by such an amount in gold. Upon no other hypothesis can their award be explained. It would be perfectly absurd to say that they awarded in gold unless they estimated the losses in gold. Then, the tribunal having gone upon that ground, it necessarily follows that we should go upon the same ground in the distribution of this money, that we should find out by the unvarying standard what was the amount of each man's loss at the time that loss occurred. That is necessary in order to do justice between the different claimants.

But, sir, in respect to the other view which I presented of this subject, the Senator from Vermont has not vouchsafed any answer at all. I put it once more to the Senate, is it honest in us to receive payment in gold and then put off these men with a currency worth but eighty-five cents on the dollar? Is that honest? The Senator talks about these poor sailors and the like. I have as much sympathy for them as he has; but I am not very much accustomed to make professions of sympathy. Is it honest to them, when the amount of their losses has been paid for by Great Britain in gold, that we shall take fifteen cents out of every dollar of the amount to which they are entitled? For that is the result of this bill if you pass it. It will not do to say that the commission here may award the money in gold. They will not dare do it if Congress strikes out these words, for it will be said at once that, these words being stricken out by Congress, it is the deliberate judgment of Congress that these damages must not be paid in gold.

Mr. EDMUNDS. That is not a fair argument.

Mr. THURMAN. Again, the Senator from Vermont treats my objection to this section in regard to insurance companies and the words "other claims" as if it was a mere hair-splitting, and he was pleased almost to insinuate that my motives could not have been exactly right in opposing the conference report. I am glad to see that he shakes his head; but one thing I will say—

Mr. EDMUNDS. I shook my head on that point when the Senator was speaking; but I told him before that I knew the reverse was true, that the Senator could not have such a motive.

Mr. THURMAN. I am very sorry to say, although I would rather it was that, that the Senator has paid a very poor compliment to my understanding, (and I would rather he should underrate that than un-

derrate my morality,) because he said that if I had been engaged in parliamentary tactics to defeat an honest measure, I would have pursued precisely the same course that I have, or words to that effect. Well, Mr. President, he says now that I have very honest motives, and yet I am pursuing exactly the course that a dishonest man would to defeat a bill by parliamentary tactics. That is very much the same as saying that the Senator from Ohio is little better than a fool. I cannot agree to either one or the other. I know that I am not a judge in my own case; but really I will not give a *cognovit* to confess judgment that I am a fit subject for a lunatic asylum, and I certainly will not that I am a fit subject for the penitentiary.

I do not know that I wish to say anything more on this subject. I have no feeling in this matter in the world and can have none other than that what I believe to be the law of my land and the honor of my country shall be obeyed and preserved.

Mr. WRIGHT. Mr. President, as a member of the committee of conference, having agreed to this report, I desire the attention of the Senate for a very few minutes.

Three objections are made to the report as I understand. After stating the first and second, the Senator from Ohio concludes what he has to say in the way of objections to the report by a third point that I will refer to first. The third point is that by the terms of this report the commission or court is to determine what compensation shall be allowed counsel for prosecuting these claims; and so it turns out that after two years of effort to settle this question and pay to honest men, men who are entitled to it, this money, we are to defeat this report because of this third point. It was a question with the committee in the Senate as in the House, a question before the Senate as before the House, whether it were better to leave all these claimants to the contracts and agreements that might be made between them and counsel with reference to the numberless cases that may be brought before this tribunal, or whether it were better that the power should be given to the commission to settle and determine the compensation to counsel in each case. In view of the numberless small cases of claims in favor of seamen and small demands of different natures that might arise, it was finally determined that the better way was to leave this question to the court and let the court in each individual case settle what should be the compensation. In this way fair justice will be done to claimants and unquestionable fair justice to counsel.

The second point mentioned is that we have omitted from this bill the provision inserted by the Senate that the judgment should have reference to the amount of the loss in gold coin at the time of the loss; and it is said that good faith on the part of the Government, that that honor which we should observe as a Government and we here as representatives of the Government, demands that having received gold we should pay gold. I submit that there is nothing in this bill which prevents the tribunal from taking everything of this kind into consideration and squaring its judgment accordingly. I submit that it would be most anomalous if in providing for the erection of a tribunal to determine with reference to any claims against the Government or between individuals or the payment of any demand, we should provide that the judgment should be in gold. The judgment is that of the law. The tribunal when it has determined what shall be allowed takes into consideration all the circumstances at the time the loss occurred and squares its judgment accordingly and renders its award accordingly; and when it comes to render its award, will any person tell me what line there is in this report that prevents the tribunal from taking into consideration what was the value of the loss of the person at the time it occurred? The language is that the tribunal is to decide according to law on the merits of each case. I say it is a most unheard-of thing in legislation to provide by law that the judgment shall be paid in coin.

You say that this is a strict trust; that we took the money as gold and should pay it out as gold. I say that I do not recognize it as a strict trust; but whether it be so or not, the money is there; we received gold; the tribunal determines under all the circumstances what each man shall receive considering what gold was at the time and considering what is right now and the interest that is to be allowed.

But one point remains, and that is that this report does not go far enough, or it is ambiguous in its terms. This is to me most extraordinary and amazing. This Government received this money; the award was made two years ago. At the last session of Congress both Houses passed a bill on this subject. It was referred to a committee of conference and they were unable to agree, and thus it occurred that claimants who were entitled to from three to five or seven million dollars of this award were delayed in the receipt of what every person acknowledged ought to have been paid to them at that time. The matter passed over; and now we are in the expiring hours of this session, after more than a year has expired from the time the former committee was unable to agree. Every member of both Houses of Congress I understand agrees that with reference to certain losses there ought to be payment. We do not agree as to whether there ought to be payment beyond these. The Senator from Ohio and every member of the Judiciary Committee agreed that with reference to certain losses there ought to be payment. Now when we had agreed as to certain losses which ought to be paid, one question was whether the door should be closed and no others paid. Another question was whether we should pay those we all agreed ought to be paid and as to all other claims leave the matter open to subsequent legis-

lation. By the bill that passed the Senate it was provided that what remained after paying these claims which we all agreed should be paid should be covered into the Treasury. Now it is provided that the claims which we all agreed shall be paid being provided for, then the fund shall be still left open for other claims. Now, we all agree that with reference to other claims there is no conclusion, there is nothing settled. Every member of the conference committee and every member of the Judiciary Committee agrees in this; and the question that is now submitted to the Senate is this: Every man knows that good faith demands that we should pay these men; every member of the Senate and House knows that honesty demands that we should pay these men; every person knows that they have been delayed already too long in the payment of this debt; and now the Senate is to determine at this time in the session whether we will provide for the payment of honest debts that we all agree upon and leave the question open for subsequent legislation in reference to claims that can then be presented and be provided for by subsequent legislation. I say it will be a disgrace to the American Congress, it is a disgrace to the American name when we have agreed with reference to these honest men who ought to be paid, when there is no question but that they ought to be paid, if we adjourn this Congress and leave the question open because we cannot agree with reference to other claims and when there is nothing in the bill with reference to such other claims.

I therefore appeal to the Senate, in view of the good name of the nation, in view of the length of time that has elapsed since we received this money, in view of what is just and fair to honest men who have been kept out of their claims, not to hesitate in the discharge of our duty because we cannot agree in regard to some other matters that are unimportant as compared to the rights of the men who come here and have been begging us to discharge the trust that honestly devolves upon us and I insist has been delayed too long. Now, if we adjourn, it is delayed another year, and again it will be a reproach to the nation as it has been since we had this money in our hands.

Mr. MORTON. Mr. President, it occurs to me that so far as the question of the assessment of damages, whether in gold or greenbacks, as made by the Senator from Ohio is concerned, it is not important. I do not think that there can be a fairer question to be left to be determined by this commission, after full argument and consideration, than the question as to how these damages shall be computed, whether in gold or in United States notes; and upon that point I see no difficulty. It is a question of law settled by general principles of law as to what shall be the principle upon which these damages shall be computed; and so far as that is concerned there is no objection to this report, in my judgment.

But this report is to me unsatisfactory in some other particulars. First, it is unsatisfactory because it settles but one question out of many, according to the construction given to it by the Senator from New Jersey, by the Senator from Vermont, and by the Senator from Ohio. It leaves many questions, and the most difficult questions of all, open for future difficulty and wrangling; and according to the construction they all agree in giving to this report it is an invitation to open all these questions next winter. The bill provides that the insurance companies shall not be paid except where their losses exceed their profits, taking their whole business into consideration during the war. If on the whole they have lost more than they have made, then they shall be paid for that loss over and above their profits. That is the express provision of the bill; and in the absence of the construction given it by the Senators, I should have said that the phrase here "other claims" does not include the insurance companies because the claim of the insurance companies is adjudicated upon; it is mentioned; it is defined; it is said what they shall have and what they shall not have. But there are claims that have been put forward, for instance war premiums and others which have been mentioned, which are not excluded by the terms of the bill, are not adjudicated upon, and I should say in my simplicity reading this report, if it had not been for the construction given it by the authors of it, that the words "other claims" do not include the insurance companies at all, and that this bill would be regarded as a settlement of the questions so far as the insurance companies are concerned. But as these Senators all agree that this phrase "other claims" does include the claim of the insurance companies that is adjudicated upon in the bill nothing is settled, and we shall have these claims back here by express invitation under this report next winter.

Mr. President, when we consider the limited character of the claims that are allowed under this bill we may fairly conclude that when all are paid that are authorized to be paid under this bill, not more than one-half of this fund will be exhausted. I doubt whether one-half of it will be exhausted.

Mr. THURMAN. Not near one-half.

Mr. MORTON. There will at least be one-half left for future struggle and contest in Congress, to which the insurance companies are also invited, and I now make the prediction that the insurance companies will yet get that money. My friend from Ohio need not have any uneasiness. They concur in giving this report a construction that the whole insurance question is left open. They are invited to come back and look after the balance of this fund. We know their strength; we know their pertinacity; and I now make the prediction here to-night—I may not live to see it realized—that the insurance companies

will yet get the balance of the fund. I should very much have preferred that this bill should have settled the whole question and that we should have been done with it; but it is so framed according to the construction given to it by its authors that it settles nothing and we are to have it all over session after session until this fund has been exhausted.

Mr. BAYARD. Mr. President, I do not desire to prolong this debate, but I cannot forbear to add my strong expressions of dissent to the report which has been submitted to the Senate.

Last October the government of Great Britain paid \$15,500,000 in gold, or its equivalent in bonds of the United States, into the Federal Treasury. In the first place, let me remark, it was paid in gold or its equivalent, paid in gold-bearing bonds of the United States worth gold at par and by the assent of the United States accepted as the equivalent of gold coin. There is a perfect simplicity in the transaction that shall direct the payment of the money over to those to whom it is justly due, precisely in the same coin and in the same description of money as we received it.

I was amazed that the Senator from Vermont should talk of the fluctuations in gold between the time when these losses by the depredations of the southern cruisers occurred, and the present day. Sir, gold has not fluctuated. It was a standard then and is to-day; and as we received this money in gold, as the value of the losses sustained was estimated in gold, if we pay in gold there will not be the slightest difficulty upon the subject. If this method of distribution had but the one merit of simplicity, it would have enough to commend it to the Senate; but when you add to that that when you depart from the gold basis and take the basis of paper, you subject claimants to gross injustice, because the men who suffered in 1863 lost a very different amount as to paper money compared with those who lost in 1862 or 1864. Therefore I say that if the principle upon which I conceive this money was received by the Government of the United States and under which alone honestly and honorably it can be disbursed is to be considered and respected, we will pay these claimants, our own citizens, precisely in the same money that we received the amount for them in. By doing so all calculation will be rendered unnecessary and the simplicity will accord with the honor and justice of the transaction.

But, Mr. President, passing away from the question of how they shall be paid, whether in gold or in paper, let us consider what this fund was. Was it money paid into the Treasury of the United States as due to the nation? Was it due to the people of the United States as a people? All I can say is that if that proposition had been made Great Britain would have gone to war before she would have paid you one cent, and no man within the sound of my voice can doubt it. Your indirect claims, as they were termed, embraced the only claims of a national character; these claims were not of a national character, they were the claims of individual citizens for their individual losses incurred by reason of the infraction of the neutrality laws of Great Britain by certain persons under her jurisdiction. This is no national claim. It seems to me that when these propositions are stated, and when they are admitted, everything is ended in regard to a proper distribution of this fund. This money has no place in the national Treasury except as a resting place between it and the hand of the American citizen who is to receive it.

Sir, if any portion of this money, which is now denied to those insurance companies in whose name it has been claimed, shall remain after the satisfaction of their claims, it is the property of Great Britain and not of the United States, and self-respect and propriety will compel us to carry out the treaty stipulation and pay it back. I do not propose to reiterate the legal argument now. It has been made more ably than I can state it. It has not been answered or pretended to be answered by any gentleman to my hearing in the Senate that the rights of the man who insured another are quite equal in law to those of the man who insured himself. The United States presented both these classes of claims, and upon the basis of each the money was equally allowed. The contract of insurance is a legitimate contract; it is an honest contract; it is upheld by law; it is sustained by morals; it has every foundation in equity. Why, then, is it that in an act of this kind, for the first time in the history of our adjudications, we should propose to stamp the contract of insurance as unlawful, as unwarrantable, and compel men to submit to different terms in regard to payment of their subrogated claims than we impose upon others whose claims are made in their own right? It is a plain, simple fact that the American people can consider.

These vessels were destroyed. By an alteration and an amendment of the law Great Britain said that she would pay for them, and has paid for them. In some of the cases they were insured, in other cases they were not. You agreed to pay the owner in the one case and you refuse to pay the man who paid him for his losses under a contract of insurance in the other. This principle is entirely familiar in our courts; it is beyond contradiction or the possibility of contradiction, that a man who insures another upon a lawful voyage and then upon the occasion of loss has paid the other the amount of his insurance stands directly in his shoes with all the rights, legal and equitable, which his insured had at the time of the loss. There is no gainsaying these propositions; but here for the first time the attempt is made to stamp the contract of insurance as illegal, as impolitic, as not to be favored by law. Mr. President, the contract is directly the reverse. The contract of insurance is legal, and is in every respect

to be encouraged and to be protected by law. Such contracts ever have been protected by law; and if the Government of the United States, with the view of diverting or perverting this fund from the plain course which an execution of their trust would lead them to make it follow, they do this at the cost of the law as set forth by their own highest tribunals, and I fear they will do it at the cost of the respect of every respectable nation of the world. I would not desire to see my Government stand in that attitude. It never shall stand so with my consent. The proposition is too plain, too self-evident; it needs no elaboration to prove that this is an attempt to escape from principles of law well ascertained and which are now denied for the first time in the history of our legislation.

But, Mr. President, look at one thing else. Here is a round sum of \$15,500,000 in gold. It lies here for disbursement to its true owners, who are citizens of the United States. Whether they be the women and the men and the children who may own stock in our insurance companies, or whether they be merchants who own vessels themselves, or whether they be rich or poor, holding much or little of these claims, it matters not. It was our pride and our boast that all stood equal before the law, and here now it is proposed to change that equality, and for some reason, for which no just argument has yet been offered, we are to deny these men rights never heretofore denied. But here is a sum of \$15,500,000. The bill as originally introduced proposed that these claims should be passed upon, excluding the insurance companies who did not prove by bringing their books into court that they had lost more money than they had gained during the continuance of the war premiums. The bill provided further that after these judgments were ascertained by the commission appointed for that ascertainment, the Secretary of the Treasury should retain in the Treasury 5 per cent. of the amount of all these judgments, and then, further, that after all these judgments had been ascertained and the amount retained, the Secretary of the Treasury should distribute in ratable proportions among the parties in whose favor the judgments were rendered such moneys as had been so received into the Treasury, so that the distribution should be a ratable distribution.

See, now, the absurdity of the present bill. You propose to distribute part of the award, which is variously estimated at from five to seven and a half or ten millions, and you propose to make a ratable distribution under the law of all the judgments. Here you have a report that proposes to pay out say \$10,000,000, and to pay it in full. Now mark the sequel. You will have paid \$10,000,000, part of these claims, in full. Suppose hereafter, as justly it well may be, the claims now rejected by you shall be considered and approved by a future Congress, and the fund of \$15,000,000, reduced by your present bill to \$5,000,000, shall be insufficient to pay that award, then what becomes of your ratable proportion? You have paid the present claims in full; you will not have the fund to pay the remainder in full. Will you undertake, in the face of moneys paid to you in trust for a legal and equitable and just distribution *pro rata* among these claimants, to throw the diminution upon those whom you have now excluded when you have paid others in full? Why, sir, it is not only rank injustice, but it is absurdity for a trustee so to act.

What is the rule in regard to distribution of any trust fund? Take the ordinary case of an assignment in bankruptcy. Take the case of any other trust fund to be distributed. You must know what are the claims that are upon it. Let the Congress of the United States sit in equity as they should in this case; all the parties must come before you; their claims must all be known; the distribution must be according to your law, ratably made; and how can you pretend to make a ratable distribution when you start out by paying a portion of your claims in full? Is this the way to deal? Would a man be suffered to deal in this way with a fund if he were a private trustee? Certainly not. There is not a court of equity in the land but would arrest such a proceeding, and tell him that if he sought to distribute moneys in this way he must do it at his own risk. All the parties must be before the court; all the rights must be adjudicated upon before you can undertake to say what each shall be entitled to.

Therefore I say this report is a "most lame and impotent conclusion" after the care that has been given to this bill. It does propose to pay a part of these claims in full, and that very payment will deprive you of the power to pay other claims which may be hereafter adjudicated upon and the consideration of which you entirely postpone for some reason or other unknown to me. But, Mr. President, let them be paid in full or not, if it be the purpose of the Senate to change and pervert the character of the United States on which they have received this money, if they choose to strain the public faith by calling this a public fund, it may be done, but it will not be done without my vote being recorded against it, as now my remarks are uttered by way of protest.

It is perfectly clear to me that not one cent of this money, and no man who hears me can deny it, would ever have reached the Treasury of the United States if you had told the government of Great Britain that she paid it to you as a nation and as a people for your own use. Every Senator who hears me knows that every claim of a national nature was discarded by the arbitration, as it was denied by the government of Great Britain. We consented to abide by that arbitration; and, Senators, is it honest, is it honorable, for you and for me in this body to change the character of that fund, to declare that to be a fund paid for national purposes which was paid only for individ-

ual purposes, to reimburse an enumerated, nominated class of people? They are there; their names are all before you; there is no difficulty in discovering them; you will find them all there, and the question is whether you now shall undertake to treat any of this money as otherwise than the property of your individual citizens, in whose name you asked it, for whose sake the public law of nations was altered by Great Britain in order to have it paid, and who never paid you one cent or one dollar as a national contribution to your national losses.

Mr. President, it cannot be. The amount of money is important to those who have lost it. I am anxious to see it reach their hands. I believe the claim of the insurer is just as honest in law and as sound in morals as the claim of the sailor, the merchant, or the owner of merchandise himself. All this is so, and I do not think we can without injustice to our own people exclude those who have saved others their money under the contract of insurance. But of one thing I am certain, that the money either belongs to the men in whose name we claim it, or it belongs to the nation who paid it to us. We can have no profit as a nation in this business. That was denied. The national claims were excluded. The Government of the United States signed the stipulation of submission to the arbitration that did exclude them. And now if this country shall by indirection make a profit from that fund, it will be at the cost of the honor of the Government of the United States, and that shall never be by my assistance, by my vote, and without my earnest protest, which I here make, against its being accomplished.

Mr. FRELINGHUYSEN. I rise to say a few words, and I will not detain the Senate from a vote for three minutes.

The complaint against this report is, originating with the Senator from Ohio and those who have believed that the insurers ought to be paid, that we have not made provision for paying the insurance companies, those who met with no loss. I have simply to say that the conference committee had no more power to provide for the payment of the insurance companies than they had to provide for the payment of the debt of Great Britain. This House had voted that they were not to be paid. The House of Representatives had voted that they were not to be paid. What possible power had a committee of conference of the two Houses to send you a report that they should be paid? It is the veriest absurdity in argument that I ever heard presented. We have done all we could do to protect the rights of the insurance companies for the future, if they have any. We have gone further than the bill passed by the Senate went, in providing that this fund shall remain subject to all claims that Congress may hereafter make against it; and it ill becomes the advocates of the insurance claims to complain against this report.

The Senator from Delaware says that we pay the claims here included in full and then provide for a *pro rata*. Did not the Senate of the United States agree to pay these in full? Have we made provision by this report for the payment of any others than the Senate voted should be paid and the House also? And if it is a "lame and impotent" report, to use the courteous language of the Senator from Delaware, that limping and that impotence was in the Senate of the United States, and not in the committee. We have paid those that the Senate said should be paid, and no others.

Then there is a complaint made about gold payment, that the Government of the United States is going to play some shabby trick. It makes no kind of difference whether the payment is made in gold or whether it is made in currency. The Government of the United States will pay all that is in the Treasury of this fund, whether it pay it in gold or in currency. And as to the idea that injustice will be done, inequality, as the Senator from Ohio says, paying one set of creditors in gold and another in currency, I say there is not a surrogate in Ohio, there is not an administrator in that vast State who would administer an estate paying according to a different rule; and I take it that the five judges that this bill provides for have sufficient intelligence, when they are directed to distribute this fund according to the principles of law and the merits of the case, to exercise the ordinary intelligence of administrators in the country.

One class of Senators object to this report because we exclude the insurance companies; that is the point of the Senator from Ohio and the Senator from Delaware; but the Senator from Indiana objects to the report because we do not exclude them. What we have done is to say that these honest men who every Senator and every member of the House agrees ought to be paid shall be paid, and that the fund shall be consecrated and sacred to such claims as Congress shall hereafter authorize against it, and I cannot see how any one can give a vote against that report without, according to my view, violating the principles of ordinary honesty.

The PRESIDING OFFICER. (Mr. CLAYTON in the chair.) The question is will the Senate agree to the report of the committee of conference.

Mr. BAYARD and Mr. THURMAN called for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMAN. The Senator from Vermont [Mr. EDMUNDS] and myself are paired. If present he would vote "yea" and I should vote "nay."

The question being taken by yeas and nays, resulted—yeas 38, nays 17; as follows.

YEAS—Messrs. Allison, Anthony, Boreman, Boutwell, Buckingham, Carpenter, Chandler, Clayton, Conover, Ferry of Michigan, Flanagan, Frelinghuysen, Hamil-

ton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones, Kelly, Logan, Mitchell, Morrill of Maine, Morton, Patterson, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Sprague, Stewart, Wadleigh, Washburn, West, Windom, and Wright—38.

NAYS—Messrs. Bayard, Boggy, Cooper, Davis, Dennis, Fenton, Goldthwaite, Gordon, Hager, Merrimon, Norwood, Ransom, Saulsbury, Schurz, Stevenson, Stockton, and Tipton—17.

ABSENT—Messrs. Alcorn, Brownlow, Cameron, Conkling, Cragin, Dorsey, Edmunds, Ferry of Connecticut, Gilbert, Hamilton of Maryland, Johnston, Lewis, McCreery, Morrill of Vermont, Oglesby, Sherman, Spencer, and Thurman—18.

So the report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPIERSON its Clerk, announced that the House had passed the bill (S. No. 436) for the relief of Lieutenant John Shelton.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company;

A 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 commodore;

A bill (H. R. No. 3506) for the relief of William Tod Helmuth, of New York; and

A bill (H. R. No. 3773) to further define and enlarge the powers and duties of the board of health of the District of Columbia.

TAX AND TARIFF BILL.

Mr. SHERMAN. The committee of conference on the disagreeing votes of the two Houses on the amendments to the tariff bill have agreed to a report, which I send to the Chair.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 3572) "to amend existing customs and internal-revenue laws, and for other purposes," having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, and 36; and agree to the same.

That the Senate recede from its amendment numbered 31.

That the House recede from its disagreement to the fifth amendment of the Senate, and agree to the same with an amendment as follows: Insert in lieu of the words proposed to be stricken out the words: "Provided also, That there shall be an allowance of 5 per cent, and no more, on all effervescing wines, liquors, cordials, and distilled spirits in bottles, to be deducted from the invoice quantity in lieu of breakage;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-third amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "23," (the number of the section,) proposed to be inserted, insert "24;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-fourth amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "24," (the number of the section,) proposed to be inserted, insert "25;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-fifth amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "25," (the number of the section,) proposed to be inserted, insert "26;" and the Senate agree to the same.

They further recommend that in section 7, page 5, line 21, after the word "returned," the word "empty" be inserted.

JOHN SHERMAN,

JUSTIN S. MORRILL,

T. F. BAYARD,

Managers on the part of the Senate.

H. L. DAVES,

WM. D. KELLEY,

Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had passed a resolution to extend the present session to 4 o'clock p. m. of Tuesday, the 23d day of June.

FINAL ADJOURNMENT.

Mr. SHERMAN. I hope that resolution will be laid before the Senate at once.

The President *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved, (the Senate concurring.) That the present session of the Forty-Third Congress be extended until 4 o'clock p. m. of Tuesday, the 23d day of June instant, at which hour the President of the Senate and the Speaker of the House of Representatives shall be authorized to close the same by adjourning their respective Houses without day.

Mr. SHERMAN. I move that the resolution be concurred in.

The motion was agreed to.

HOOR OF MEETING.

Mr. HAMLIN. By consent of the Senate, I hope I may be allowed to make a motion that when the Senate adjourns to-day it adjourn to meet at ten o'clock to-morrow morning.

The motion was agreed to.

RIVER AND HARBOR BILL.

Mr. CHANDLER submitted the following report, which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3168) making appropriations for the

repair, preservation, and completion of certain public works on rivers and harbors, 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 its amendments numbered 3, 24, 29, and 45.
That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 25, 26, 27, 28, 31, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 46, 47, 48, and 49; and agree to the same.

That the Senate recede from its amendment numbered 4, and substitute the following words: "For the improvement of the harbor at Erie, Pennsylvania, \$20,000;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out the words "two hundred" and insert the words "one hundred and fifty" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: Strike out the words "seventy-five" and insert the word "fifty" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 21, and agree to the same with an amendment as follows: Strike out the words "two hundred" and insert "one hundred and fifty" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 30, and agree to the same with an amendment as follows: Strike out the words "according to the plans reported by the Government engineers;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 32, and agree to the same with an amendment as follows: After the words "two hundred thousand dollars" insert "or so much thereof as may be necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 38, and agree to the same with an amendment as follows: After the word "and" insert "\$10,000 is hereby appropriated for the improvement of;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 50 and agree to the same with an amendment, as follows: strike out the word "three" and insert "one" in lieu thereof; also strike out the word "fifty" and insert the word "twenty-five" in lieu thereof; and the Senate agree to the same.

Z. CHANDLER,
WM. A. BUCKINGHAM,
GEO. R. DENNIS,

Managers on the part of the Senate.

PHILETUS SAWYER,
RICHARD C. PARSONS,
ERASTUS WELLS,

Managers on the part of the House.

Mr. DAVIS. I should like to ask the Senator from Michigan who has charge of this bill a question. What change, if any, is made in the surveys ordered by the bill?

Mr. CHANDLER. Not any.

Mr. DAVIS. It appears to me from the reading of the report that there is some change made in the surveys mentioned in the report of the Transportation Committee.

Mr. CHANDLER. No, sir. There was a change made in regard to a survey at a bar in Texas, which did not require a survey. Ten thousand dollars is appropriated to continue the improvement of Red Fish Bar instead of putting it in for a survey. The commission for the survey of the mouth of the Mississippi River is changed to three Army engineers, one officer of the Coast Survey, and one from civil life.

Mr. DAVIS. Do I understand from the Senator that no survey that was ordered in the original bill as passed by the Senate is disturbed?

Mr. CHANDLER. Not one.

Mr. WEST. The Senator from Michigan has replied to the question of the Senator from West-Virginia to the effect that the only change that has been made in the surveys recommended by the Senate Committee on Transportation was a change of the organization of the board as recommended by that committee. Stated as it was—

Mr. CHANDLER. Will the Senator pardon me while I correct an error I made? The board is two Army engineers, two from the Coast Survey, and one a civilian.

Mr. WEST. Stated as it was, this looked like a very unimportant change, a change of the word "three" to "one;" and yet the result is to change entirely the conclusion at which the Senate Committee on Transportation unanimously arrived after devoting the whole session to the consideration of the subject intrusted to them, and more particularly the conclusion they came to as to what was advisable to do in connection with the proposed improvement at the mouth of the Mississippi River. It looks like a very trivial matter; but the consequence of it is that the labors of a committee of this body, composed of nine of your members, reporting unanimously on one subject have been neutralized in a moment by three members of a committee who have never paid any attention to the subject whatever. That is the result, and that is a result that I think the Committee on Transportation and I hope the Senate will not submit to.

We have had the perplexity of the obstruction of the mouth of the Mississippi River before Congress for years. We have had the Engineer Department of the Army scratching at it for thirty-five years, and we have had but eighteen feet of water at the utmost there for the last twelve months, and every attempt that has ever been made to induce the Corps of Engineers of the Army to listen to the recommendations made by the ablest civil engineers in the country has been resisted with an obduracy that is beyond belief. I state it here from my own knowledge that the Chief of Engineers has refused to allow any civil engineer to approach him who differed with him in opinion. I know it. I have made the attempt myself to get the Chief of Engineers to consult with engineers of equal ability in civil life.

The consequence is that if you adopt the report of this conference committee you confine again the consideration of this subject that has vexed and agitated the whole community of the West for years

to the same sources of information, to the same prejudices that have hitherto prevented the removal of these obstructions. I will only say that much. Other Senators who will follow me will call your attention to the desirability of invoking the aid of civilians throughout the country that something may be done to relieve the mouth of the Mississippi River from these obstructions. Pass this bill as it stands now; agree to this report; and again you will have an ineffective and imperfect report come before you here, similar to the last that has excited nothing but the ridicule of the Committee on Transportation. Take the report of the board of engineers on the question of opening the mouth of the Mississippi River, full of inconsistencies, full of improbabilities, contradictory in every respect, and we are called upon once more to go back to that board and submit to what? Submit to the locking up of your grain in the vast productive regions of the West just because this board is not willing to yield a moment to be enlightened by others quite equal to them. What has the Committee on Transportation done? It patiently and deliberately considered this subject the whole winter, disagreed with the House in the recommendation to pass the canal bill, consulted as to the best character of a board that could be organized, recommended it here to you unanimously as their conclusion; and a committee of conference who have paid no attention to the matter at all—speaking with all due deference to them in their ability to scrutinize this matter in the brief period that was allotted to them—come in here and wipe this board away and tell us we must go back again to the obstructionists who are a greater obstruction to the mouth of the Mississippi than all the mud and the bars there.

Sir, I hope the Senate will see the propriety of allowing this board to stand as the Committee on Transportation unanimously recommended it. I ask how should it stand? What was the recommendation of the committee? Two engineers of the Army and two members of the Coast Survey, bringing into the organization of that board a new element, an element concerned in the maritime approaches of an outlet to the Mississippi River, the consideration of which has never been attempted by any board of engineers. They have only thought whether it was practicable to open the mouth of the Mississippi that way, and they never asked whether it was practicable to get to the mouth of the Mississippi after you did open it. Two members of the Coast Survey were provided for, that with their experience of maritime movements they might understand how vessels could approach the mouth if it was open, and then three civilian engineers to be appointed by the President, so that we might call into requisition whatever engineering ability the country possessed outside of the Army.

I ask Senators are they willing to say that there is nobody in this country to judge of how obstructions ought to be removed from the mouth of the Mississippi River except the engineers of the Army? And if they come to that conclusion, it is inevitable we shall have thirty-five years more of scratching and obstruction. I cannot conceive it possible that this Senate will, on the recommendation of a committee of conference who have given two hours' consideration to this subject, set at naught the whole labors of the Committee on Transportation with reference to that particular subject. I do not think it ought to be done. Perhaps the gentlemen of the committee can give us some good reason why it should be done, but I do not think we ought to ostracize whatever ability the country may possess in the walks of civil life and confine those investigations entirely to the Army. I do not believe in it, because my experience is that the engineers of the Army have failed every time they have essayed to keep the mouth of that river open; and are we to be committed once more to their mercy, year after year?

Mr. BUCKINGHAM. If this question had been submitted to the Committee on Transportation you would undoubtedly have had a very different report, but it was not submitted to them. It is a question which was submitted to the members of this committee of conference and they have had it under consideration and given it such consideration as their time would permit. The committee of conference have not been willing to underrate the value of the engineers of the Army; and they have a high estimate of the ability of men engaged in the Coast Survey, and fully appreciate the importance of having both classes of engineers engaged in this survey. But I may say that the question in the committee was whether we should increase this commission from the Army, whether we should increase that part of the commission which is so objectionable to the Committee on Transportation, or whether we should make the report which the committee has submitted. It was a question of compromise with the committee as it now stands, and it seems to me it is a compromise which does not discredit the Army engineers or the engineers connected with the Coast Survey; nor does it set aside, as the Committee on Transportation would intimate, the talent of civil engineers.

There is another thing connected with it also. It was the judgment of the committee of conference that five members of this commission were abundantly able to make such investigations and surveys as were necessary between now and December next. It did not appear to be important to the committee of conference to whom this question was referred that we should have a larger number. These are the reasons why we have struck two from the number proposed of the civil engineers and left the two standing from the Army and two from the Coast Survey.

Mr. SCHURZ. Mr. President, I desire to address to the Senate a

few remarks on this question. At the last session of the Senate we appointed a committee to institute inquiries on a subject which of late has occupied the attention of the country in an unusual degree—the subject of cheap transportation. That committee after many months of assiduous and faithful labor submitted to us an elaborate, able, and very instructive report. One of the principal recommendations made in that report, indeed the recommendation urged above all things, was that the water-route be improved which runs through the very heart of the Republic and is easily accessible to far more than one-half of the surplus grain raised in this country; that is to say, that the course of the Mississippi be made practicable and safe for navigation, and that its mouth be deepened so as to admit large vessels. The opening of the mouth of the Mississippi has been a subject of interest to this country for more than a generation. Thirty-seven years ago the Engineer Department of the Army took the matter in hand, and for thirty-seven years they have been planning and reporting upon the matter, and scratching and scraping at the mouth of the Mississippi, and to-day the depth of water is no greater than it was then. In other words, they have effected nothing.

Mr. President, I do not hesitate to pronounce it one of the great scandals of American history that a water-route the equal of which can scarcely be found in any country of the earth should have been permitted to remain virtually closed to the great commerce of the world for the three-quarters of a century that that river has been under the exclusive control of this Republic. I think I am not speaking too strongly; I am indulging in no extravagant language when I say that such a fact is simply scandalous, and we ought not to indulge in any delusion about it. It is absolutely inexcusable. The population of the Mississippi Valley have long and quietly submitted to such a state of things. In the mean time they have grown in numbers; grown enormously in prosperity and productive power. The time is not far when the center of population will be in the Mississippi Valley, as it is already the center of agricultural production; and the people of that valley naturally look to the great river as the highway of their commerce, as the great outlet for their productive labor. Their desire is as natural as it is urgent that the mouth of that river should be made navigable for large vessels so as to be accessible to the great commerce of the world. Now they know, it is their sad experience, that all the efforts which so far have been made have been almost entirely unavailing. They have waited long and most patiently that the engineers of the Army would discover and show themselves able to carry out a plan which would make the great river what it ought to be, but they have waited in vain. At last, after mature consideration, such as our committee has devoted to this great subject, it is proposed to furnish new light to penetrate our councils. Having for thirty-seven years permitted the engineers of the Army to control this matter—with what success I have already indicated—they insist that the genius and skill of the civil engineers of America shall have an opportunity to compete with the Army in the solution of this great problem.

I desire Senators to remember the fact that this is probably the only civilized country on the face of the globe where such enterprises are left exclusively to military engineering. Even in those European monarchies which are so military in their character, governments would not think a moment of excluding the civil engineer from public works which are not absolutely of a military nature. On the contrary almost all—ay, I might say all—of such work is done by the civil engineer exclusively. Why should this Republic, then, rely upon the military alone? I invite you to look at the corps of civil engineers in this country. Have they achieved less than the civil engineers of the Army? Surely I do not want to disparage the latter; but who has tunneled our mountains; who has run our railroad tracks many thousands of feet above the level of the sea? Who has sunk the foundations of the great bridge at Saint Louis, one of the boldest and most magnificent structures in the world, ninety feet below the bottom of the river? It is the civil engineer who has done it. These are his triumphs, and such triumphs are among the most resplendent glories of the Republic.

And now, when we have so splendid a corps of men in this country, unsurpassed anywhere, are we to say that their inventive genius, their skill shall be excluded from the solution of one of the most important problems in that line that we have in our day before us? Are we sensible men? Have we entangled ourselves more inextricably in official red-tape than even the military monarchies of Europe? If it were so, should we not hide our heads in shame? And now, what is the question in issue? We come before the Congress of the United States with a proposition which certainly cannot be called unreasonable. We ask for a commission of engineers to examine the different methods of opening the mouth of the Mississippi which have been proposed; we ask that the military engineers who have occupied themselves so many years with this problem shall have two men on that commission to represent their views. We ask that another body, of Government officers of recognized skill, members of the Coast Survey, shall have two members; but then we insist that the civil engineers of America, more numerous and perhaps more experienced than either, men who have planned and achieved greater enterprises than either, shall have an opportunity to offer their genius and skill to the country, and have a representation worthy of them on this commission. Is that an unfair demand? Must we of the Mississippi Valley when we come before you and ask in this bill for nothing but this, be

told that there shall be nothing for us in respect to this great interest, but those old methods of which the experience of a generation has shown us that they are unavailing and fruitless? Are we to be told that all new light shall be excluded from our councils? Must our hopes in that direction be postponed once more? Are they to be postponed indefinitely? Why this? Is it, then, such an enormity we demand—three eminent men from the corps of civil engineers on this commission against four Government officers? Is there anything else we want to accomplish than what is absolutely necessary for the great agricultural and commercial interests of the country? Since the military engineers for thirty-seven years have shown us how not to do it, have we of the Mississippi Valley not a clear right to demand that at last the advice of professional men be taken who may be expected to show us how to do it? And that is what we do demand, a commission with three civil engineers upon it, to be selected by the President from the foremost ranks of the profession. And even that the conference committee attempt to deny us.

The Senator from Connecticut tells us that such a commission would be cumbersome. I wish it were larger than it is here proposed, for we desire to have the opinions of as many able men as possible. We do not expect them to agree all upon one plan; but we do expect them each one to give us the best he can give upon this subject according to the measure of his experience and ability. We want to hear all sides, and for that very reason we want to have all sides represented by the ablest exponents.

Now, what do the conference committee propose? To add not three, as we desire, but only one civil engineer to a commission of four Government officers. Thus the element which is most important to us is to be reduced to the smallest possible measure of representation and influence. One civil engineer, one stray sheep, lost and lonesome, against four Government officers. Why this? Why thus discourage the civil engineering element on so important a commission? Is there any reason for it? Is this perhaps another method how not to do it, how to prevent that which by all means ought to be done? Must we by all means have more such unavailable majority reports as we have had so far, and is this a well-considered plan to insure such a result? I tell you frankly that we want to have the civil engineering element in such strength on that commission that it can make its influence felt; and if we are to be denied that, we do not care to have any commission at all. Then we may, instead of a new report, just as well read over once more the stale productions of the board of engineers to which we have been accustomed and of which we are tired, for we want something done and accomplished.

We of the Mississippi Valley, and I represent a constituency that is as much interested in the success of this enterprise as that of any Senator on this floor—we of the Mississippi Valley demand energetic action at last, and to secure it we ask for a commission such as I have described; we demand that the Congress of the United States shall employ the best engineers that the country possesses, to open those channels of commerce which a bountiful nature has designed, and which are necessary for our prosperity. We are tired of dilly-dallying. We want serious work. Upon this we insist, and I think the people of the Mississippi Valley have a right thus to insist.

To that end I ask that this conference report be not agreed to, and that a new conference be ordered.

Mr. BUCKINGHAM. I judge from what the honorable Senator from Missouri says that it was the design of the Committee on Transportation to have the skill of civil engineers, and they are very much disposed that the majority of this commission, or at least a large number of them, are not to be civil engineers if this report be adopted. I understand them to take the ground that these surveys have been under the control of the engineers of the War Department for some thirty-seven years, and yet under the operation of the skill and the intelligence and the scientific ability of these men the water is no deeper now than it was then, and therefore they would discard the engineers connected with the War Department and have only civil engineers; and yet I understand also that they do present this idea, that there shall still be a share of men on this commission who are of that class who have failed to accomplish anything heretofore.

Now, Mr. President, I have some faith in the Engineer Corps of the Army of the United States. The report leaves two of those engineers upon this commission; it also brings in a new element from the Coast Survey and also from civil life, and that new element is the majority of the commission. And how will the members of this Transportation Committee, and who would discard all those who belong to the Engineer Department, and how can they, ask anything better than that there shall be outside of the Army a majority who can control them in their conclusions?

Mr. SCHURZ. The Senator from Connecticut is speaking persistently of a desire on our part to discard the Army officers. Nobody expects to discard them—nobody proposes it. The only thing that we want is to open the door widely to that engineering skill and genius which exists in this country outside of the Army. I have high respect for the Army officers, but I do not believe that all the engineering ability in America is buttoned up in blue and brass. I believe, nay I know, that the civil engineering skill in this country as well as in every other, has accomplished vastly more than that of the Army. I have pointed out some of their achievements. In every country on the face of the globe you will find this experience corroborated. Look at the Suez Canal which has so enormously shortened the way

to India; look at the Mount Cenis tunnel, at the mountain railroads in Switzerland, in Austria, in India.

But why multiply instances? They are as notorious as the air the world over. And where such works were undertaken, not by private corporations, but by governments, they have always been put into the hands of civil engineers, while the military engineers had the control of military works. This is the natural order of things. Why should the most civil, the least military government in the world so violently depart from it? Now I do not desire to question the ability of our military engineers in their peculiar branch. As military engineers they may be among the best in the world. I merely state a thing which as a historical fact cannot be denied, that for thirty-seven years they have been planning and working at the mouth of the Mississippi River, and have achieved nothing. Every one who is acquainted with our history knows this to be true. And finally they have submitted as their only plan and the sum of their wisdom a proposition which has been condemned by a unanimous vote of our Committee on Transportation.

The people of the Mississippi Valley have this thing at heart sincerely and earnestly.

I can understand how this subject may be more or less indifferent to the Senators from Connecticut and from Maryland, although they are surely men of patriotic impulses; but the matter does not come home to them as it comes home to us. The people who live in the Mississippi Valley see in the Mississippi the great highway which connects them with the sea and the commerce of the world. On that river they want to ship their crops. By the competition offered by that river they expect to escape from the extortions practiced upon them by grasping transportation monopolies. The opening of the mouth of that river is therefore to them a matter of tremendous interest, and as such I urge it.

As the advocate of that tremendous interest I make a demand which every fair-minded man will admit to be a very modest one, and therefore I urge it strongly; not that the engineers of the Army should be discarded, but that an influential proportion should be yielded to the civil engineering skill of this country on the commission proposed to prepare at last the way for intelligent and energetic action in the accomplishment of an object which is most necessary to us. Is that asking too much? Must that policy of obstruction which hitherto has so often prevailed be necessarily adhered to?

I repeat, it is one of the great scandals of our history that the Mississippi, which, so to speak, is the Atlantic Ocean running thousands and thousands of miles into the interior, presenting water facilities scarcely equaled in any country, should have been permitted more than half a century of our control to remain in the half useless condition in which it is to-day. What we want is that it should be opened for large vessels as speedily and as completely as possible—not, if such a thing can be avoided, by a canal, closing the great harbor of the Mississippi Valley with a lock, where vessels must be lifted up or let down when they pass out and in, but an open mouth, where ships can pass out and in freely without hindrance and detention. We want to know whether the engineering skill of this country is able to give us that open river mouth; and in order to ascertain this we want upon this commission the civil engineering element fairly and influentially represented. Is this asking too much? Surely, considering the greatness of the object, considering the mighty population interested in this great end, it is a most modest demand, and I stand amazed that a proposition so moderate should find any opposition in this body.

Mr. BOGY. Mr. President, this subject to us in the West is of the very greatest importance. For nearly forty years has this Government been making appropriations for the opening of the mouth of the Mississippi. Appropriations have been made annually and have always been on a large scale. For forty years have these appropriations been placed under the control of the Army of the United States without any direction whatsoever as to the mode and manner of expending that money; and up to this time nothing has been accomplished toward opening the mouth of the Mississippi River. Indeed the navigation of the mouth of the Mississippi River to-day, after forty years of continued large expenditure, is not as practicable as it was forty years ago. There is truly less water upon the bars of the various channels of the Mississippi River now than was there thirty or forty years ago.

We of the West for many years have attached the greatest importance to this question. During the war the soldiers who fought under the flag from the West were rallied under that flag by the appeal that under no circumstances would the western country permit the mouth of the Mississippi River to be controlled by a nation different from the nation which occupied the upper portion of the Mississippi River. It was the great question during the war that there should be one continuous ownership of that vast river from its head to its mouth. We had flattered ourselves that the time had come when the great object which we had been aiming to accomplish for thirty or forty years was about being carried out; that is, that the Government of the United States should in an intelligent manner take such steps and provide such means as would make the effort at least in a scientific way to open the mouth of the Mississippi River.

Without at this late hour of the session pretending to detain this body, I would say that two projects presented themselves, one a project to open one of the main outlets on the river, the other the

canal project. The canal project has not received the assent of those people residing high up on the Mississippi River. It has been condemned by the entire population of the Mississippi River excepting a few persons, or perhaps a majority of the inhabitants of the city of New Orleans. Our object is to have an outlet, whether it be a canal or whether it be one of the main channels of the river. How are we to obtain an outlet? How are we to ascertain which one of these projects is the true one to accomplish this great object? It is only by a scientific examination of the object to be accomplished.

We have believed that the Army had not exhibited the proper scientific skill to accomplish that object. For nearly forty years have the Army engineers been employed on that work and nothing has been done. We therefore ask Congress here to appoint a commission composed in part of Army officers, in part of officers connected with the Coast Survey, and in part of civilians, reserving to the Government of the United States a majority of this commission, that is, two from the Army, two from the Coast Survey, and three from civil life, making seven, securing to the Government upon that commission one majority. We are not asking much. There can be no just reason why this should be refused. The expense certainly is of no consequence. We of the West demand it; we say it is our right; we say that our great trade demands an outlet to the ocean. There is no other outlet but the Mississippi River. That is now obstructed and we wish it open; but, sir, we are not even able to obtain from the Congress of the United States any appropriation to pay a small commission to accomplish the object. The misfortune was exhibited in the formation of the committee itself. Upon the committee of conference there was not a single man from the Senate residing on the waters that flow into the Gulf of Mexico. In the House there was but one. I do not speak of these things with a view of finding fault with individual members of the committee, but the fact is that not a single member of the committee of conference on the part of the Senate resides on the waters that flow into the Gulf of Mexico. One is from Michigan, another from Maryland, and another from the State of Connecticut, and not one is in sympathy with us, not one is in interest with us. So it was with the committee on the part of the House. But a single member of that committee on the part of the House was from the West. All the other persons reside on the waters that flow into the Atlantic Ocean, or near to it.

Now, sir, I am not dwelling here upon the difference as to the ability of the engineers in civil life or in the military department of the Government; but it is not saying much to say that the civilians have exhibited an amount of engineering skill, to say the least, equal to the Army; and indeed they have exhibited more ability in the accomplishment of great works of improvement in every portion of this country. My colleague says they have exhibited more in Europe and the world over. I believe they have; but without dwelling upon an argument of this character or finding fault with those men all we asked and all we ask now is that a number of eminent civilians shall be put upon this commission to co-operate with a majority of Government officers, that is two from the Army, two from the Coast Survey, and three from civil life, so as to make a commission of seven men to examine this great project, a work of importance to us which is incalculable, because unless we can get an outlet to the ocean the whole western world for all time to come will be paralyzed in its energy. It is true we can get there by railroads; it is true we can get there by the use of small crafts; but the time has come when the great commerce of the West cannot be restrained, cannot be limited, and certainly what objection can there be? Why should the Senate, why should Congress, hesitate for a moment to give the proper commission here? Is it the expense? Is it eight, ten, or fifteen thousand dollars, more or less of cost? I was astonished when I heard the report of the committee that there could be hesitation on a matter of this kind. Why should Eastern Senators at all hesitate on a subject of this kind? We who know the interests of the West, who represent their interest on this floor, claim it; and why should it not be given to us? We do not ask for a large appropriation. We only ask for a scientific exploration, and if that scientific exploration does not prove that the great work can be accomplished in a proper way the report of this commission would so show and there would be an end of the whole thing. All we ask is the means to ascertain the great fact whether that work can be done.

Hence, Mr. President, I hope that that portion of the report of the committee of conference will not be received, that another committee will be appointed, and that in the creation of that committee the Presiding Officer will not forget that there are members of this body who reside on the waters that flow into the Gulf of Mexico, and that those men are presumed to know their interests perhaps a little better than those who reside in the extreme North and East. We claim it as a right due to us, because we look upon this commission, organized as it is, as an entire and complete defeat of all which we thought we had accomplished, or nearly accomplished. Let another committee be appointed, not composed of western men entirely, but let the western men be represented on that committee by a sufficient number at least to make their interests known to that committee.

I hope, Mr. President, that that portion of the report which has changed the organization of this commission entirely will not be approved by the Senate.

Mr. CHANDLER. The Senator from Missouri seems to be under a slight misapprehension. This report represents the views of the

House of Representatives. They made a point, and a very strong point, on this amendment. The committee on the part of the House was composed of one member from Ohio, one from Missouri, and one from Wisconsin.

Mr. BOGY. Will the Senator permit me one word?

Mr. CHANDLER. Certainly.

Mr. BOGY. The member from Ohio resides on the lakes; the member from Wisconsin also resides on the lakes; and there was only one member of the committee on the part of the House who resides on the waters that flow into the Gulf of Mexico.

Mr. CHANDLER. They could hardly be called eastern men, any one of them. Fault has been found with the board of engineers for not having accomplished more for the mouth of the Mississippi River. It is but justice to that board of engineers to state that they have brought in plan after plan for the improvement of that river, but appropriations have never been made by Congress to carry out their plans. At this very session a report has been submitted to Congress in which this work is recommended almost unanimously by the board of engineers. The House demanded more than the Senate would yield. The House desired to add one to the number of Army engineers. The committee on the part of the Senate would not yield that, but it allowed two from the Board of Army engineers, two from the Coast Survey, and one from civil life, taking the absolute control of the board out of the hands of the engineer officers of the Army.

Mr. SCHURZ. May I ask the Senator from Michigan since this talk about the proceedings of the committee, is it not the fact that the House proposed three Army engineers, one from the Coast Survey, and three from civil life?

Mr. CHANDLER. I think so.

Mr. SCHURZ. Precisely; and then after having admitted three from civil life, a proposition with which we would have been perfectly satisfied, two engineers from civil life were stricken out.

Mr. CHANDLER. The Senate committee would not consent to strike out two from the Coast Survey. At any rate we made the very best terms we could make with the House committee, and I think that the President nominates them all, and we shall have a good board of engineers, probably the best that will be found in America when it shall have been made; but of course it is for the Senate to decide whether the report shall be received or rejected.

Mr. BOGY. I understand the Senator from Michigan to say that the House committee was willing to appoint three from civil life, three from the Army, and one from the Coast Survey, and that the Senate committee was unwilling to agree to that. The House committee was much more liberal on the subject than the Senate committee, and that is the argument I made a while ago, that on that committee western men in the Senate had no representation at all, and the best evidence of that is that western men would not have agreed to this proposition.

Mr. LOGAN. Mr. President, I have but little to say, but what I shall say will be in answer to the argument made by the Senator from Connecticut [Mr. BUCKINGHAM] in reference to this question.

I am in favor of the report made by the Committee on Transportation. I think if that report had been adopted it would have been a great deal better for several reasons than the report that has been agreed to in conference. The Senator from Connecticut seemed to find fault with the number of three civil engineers, on the ground that it would be too expensive, or at least that was my inference from his remarks.

Mr. BUCKINGHAM. That they would be unnecessary.

Mr. BOGY. We will raise the money to pay them, if it is necessary.

Mr. LOGAN. I was going to answer that in this way: When we are going to enter on a great enterprise like the opening the mouth of the Mississippi River, either by the making of canals or by some other mode, and when before that is accomplished, which I have no doubt will cost this Government probably \$10,000,000, especially if it is to be a canal as expensive as it must necessarily be, it strikes me as a strange kind of economy to strike out two civil engineers for the purpose of saving money, thus preventing the board from having the number desired. This seems to me to be a very strange argument.

I think it would be economy to get a board of engineers made up of different kinds of engineers. Take them from the Army, from the Coast Survey, and from civil life, and we would get a proposition before the Congress of the United States that could be carried out and would be of great advantage to the country. So far as the Army is concerned, I have no fault to find with the engineers of the Army; but I would suggest that the engineers of the Army are already committed in divers ways to a certain plan for the opening of the mouth of the Mississippi River.

My friend from Michigan [Mr. CHANDLER] says they are to be appointed by the President. I presume he means they are to be detailed by the Chief Engineer to perform that work. I suppose that is what he means. I do not know whether the bill provides that these engineers shall be appointed by the President and confirmed by the Senate or not.

Mr. WINDOM. The appointment of the corps of engineers is by the President.

Mr. LOGAN. Very well; then this is to be a mere detail. The appointment by the President in the corps of engineers is merely an order to the Chief Engineer to detail the number of officers provided

for in the bill, nothing more, nothing less. The same order is given to the Coast Survey, and the detail is made by the chief of that department. It is not an appointment at all, nor a selection by the President; but as this bill makes it, it is a mere detail from the Corps of Army Engineers and from the Coast Survey. Hence the only appointment made by the President is the appointment of the one civil engineer that you mention in your bill. It would be perfectly natural, then, for the details to be made, so far as the Army is concerned, from the same parties who have heretofore examined and made reports on this subject. In the Coast Survey it would be different, for they have made no report on this subject.

I do not wish to repeat what has been said here by both Senators from Missouri in reference to the grand achievements which have been accomplished by civil engineers; but I do assert as a fact that the great achievements in this country by engineers have been by men in civil life. As I said, I do not desire to find fault with or criticize the Engineers of the Army; but I will say this, and the Senator from Michigan knows it, they can spend more money and do less work than any set of men that ever lived; and that is a historical fact in this country.

As an illustration of this, in order to show you some of the fine engineering and the ingenuity that exist in the minds of some men, take this Capitol, laid out by an engineer, the plans all made, the ventilation arranged. Then step over to the House, and there you find a thermometer on the walls, standing there yet that has not been taken down, to show that the heat could never be above 70° and never could get down below 50°; and why? Because the apparatus was made so that the mercury never could rise above 70° or get below 50°, and it is there on the walls to-day. That is the ingenious part of the department, and so it is in reference to its work. There never has been a great work done by them yet that had not to be done over again by some civil engineer. I have a letter in my possession from the Chief of Engineers showing that the work of the department is carried on, I will not say in the major part, but in a great part, by civilians. One of the greatest expenses of that Bureau is that they have to employ civilians. I will not say that work cannot be performed by the officers, but in that Bureau they employ civilians in the making of maps, laying out plans, designs, specifications, and indeed all work done by that department is done to-day by civilians; and some of them are employed at as high a salary as your Senators get.

These are undeniable facts, and hence my judgment is that the best engineers we have in this country are civilians; and there is a reason for it. These men are good engineers—nobody doubts that; but will anybody tell me that the course of study at West Point years ago, until it was changed, could make good engineers and good scholars in the length of time they had to go through their studies there? It was impossible. Any man who will take up and read that which was required of these men until within the last three or four years will see that it was an impossibility. They might become good engineers with practice afterward, but you could not make an engineer that could compete in science with those men who had given years and years of study to it and are practical operators besides. Hence I am in favor of putting as many civilians on this board as have been suggested, for the reason that I believe we shall get then a better report; all the different phases of these plans will be examined, and examined in such a way as to give us an account that will cost the least money to the Government, and one that will be the most beneficial to the country, too. I say we do feel an interest in this great work in the West. I do not make any appeal on account of the West, but it has been well said by the Senator from Missouri, [Mr. BOGY,] it is a great water outlet to the commerce of that country, and one that the people of the West feel such an interest in that they are willing to make such appropriations as will give them that outlet at all seasons of the year. But you now propose that the engineers shall have control of this commission, which they will have as it is to be organized, because they have made report after report and have been contending with the difficulties for thirty-odd years, and they will have the control unless you put civilians enough on the commission, so that with the engineers from the Coast Survey they will make the proper examinations and examine all the different plans and find the feasibility of each one of them.

For these reasons I think the committee from the Senate of the United States should, without speaking about expenses, without speaking about the commission being too large, be willing to place such number of civilians upon it as will make it certain when the report comes in that we may rely upon it, having them altogether, civilians, Coast Survey, and Army engineers, and insure such a report as will be reliable.

Mr. ALCORN. I will not detain the Senate more than a few moments in giving the reasons why I think this report should be sent back to another committee of conference. That the Senators who have spoken to-night are not satisfied with the organization as at present made would be a sufficient reason with me though I had no other. The object of this survey is to have one that the country can rely upon; and it is altogether necessary that the board of engineers should be fixed in such a way as to go into the work supported with the confidence of the people. I have every confidence in the ability and in the capacity and scientific attainments of the Army Engineer Corps, and also in that of the Coast Survey Corps; and that we

have engineers of the highest skill in civil life there can be no question. From all these sources we could obtain men of sufficient ability to solve the great problems that are to be solved before the Government enters on this work. It is a great work, and the determination of this country is that the work shall be done. Then how shall it be begun? By a report from a board of engineers. Then, in Heaven's name, let us have that board of engineers such a one as will represent the views of the different sections of the country, if sections can enter into the calculations of scientific men.

I apprehended when these men of science meet together to solve this problem there will be no great divergence upon the questions of fact involved in the true theory of this plan. But it will be said here, unless this board of engineers is altered from the arrangement now made, a certain representation necessary to the true development and true exposition of the facts has not been made. I say with full confidence in the corps of engineers as established by the committee of conference, that I would be perfectly willing myself, if it was satisfactory, to vote for it. I have faith in the report they will make. Still from the fact that it is not satisfactory to Senators who have spoken, and who reflect a sentiment that exists in the country, I will vote now to make it satisfactory to them, and I think it is a sufficient reason when they say they are not satisfied, that I should vote to make it satisfactory to them.

Mr. WINDOM. Perhaps no more important or difficult question will be presented to the Senate at its next session than that which will be involved in the report to be made by this commission. The Committee on Transportation have given a great deal of attention to this subject. They have studied it with care, earnestly believing that the people of this country demand the opening of the mouth of the Mississippi by the best possible method that can be adopted. The amendment which they proposed to the bill and which was adopted by the Senate that committee believe will best effect that object.

Now, Mr. President, I want to say for one that I have confidence in the board of engineers; but at the same time it is well known that there are two or three different means proposed for that improvement. One is by a canal; another is by an open mouth of the Mississippi, to be effected by a system of jetties; and another is by utilizing the South Pass by means of locks at its head, which will have the effect of giving us a channel five hundred feet in width. It is believed by very many that the Engineer Department is committed to one plan; and for this reason the committee thought, as we must have information on this subject, that it is very important that we bring to bear on it all the talent that the country has or that we can afford to employ; and that the commission of seven, as provided for by the amendment of the Senate, would give us more reliable information, information upon which we should be more certain to act at the next session of Congress; and without detaining the Senate with any further remark, I believe that this matter is of sufficient importance to justify us in asking for a further conference with the hope of obtaining another commission for this purpose.

I believe that if we bring in new life into this commission, men who have not committed themselves to any scheme, men who will study the whole subject and take in all the plans and report on them at the next session of Congress, we shall have a report upon which we can act more safely, and I think more certainly, than as provided for by this conference committee report; and although the session is near its end, I think there will be but little difficulty if we reject this report, in changing the commission in a way that will be more satisfactory to the people most interested in the subject, and on behalf of the Committee on Transportation who have recommended the commission, I think the Senate should give us another conference.

Mr. WEST. I wish to say one word to the Senate as to the progress that has been made by the Engineer Corps of the Army of late years in investigating this subject. On the 14th of March, 1871, the House of Representatives passed this resolution:

That the Secretary of War be, and he is hereby, requested to cause an examination and survey, with plans and estimates of cost, to be made by an officer of engineers, for a ship-canal to connect the Mississippi River with the Gulf of Mexico, or the navigable waters thereof, of suitable location and dimensions for military, naval, and commercial purposes, and that he report upon the feasibility of the same to the House of Representatives.

Mark you, that duty was imposed on the Engineer Corps in March, 1871. After spending three years surveying, boring, planning, specifying, &c., we find this conclusion. Here is their report, made in the spring of this year. After three years' examination of this subject they come to this result:

To determine, however, the best line for the location of the canal across the peninsula, and the best point for its entering the river, and also the position and manner of its entering Isle au Breton Pass, requires further survey, borings, and other examinations and measurements, and the preparation of plans based upon their results.

In the name of conscience for how many more years do you intend to commit that problem to the Engineer Corps of the Army of the United States, when at the end of three years they say they have not even prepared the plans for opening the mouth of that river? Now is this an unreasonable request after such a result as that, after three years with the whole ability of the Engineer Corps of the Army of the United States devoted to it, when they come back here with a partial report and say they want more time to prepare that plan? I think the great interests involved in this case ought to be committed

to men who know something about the subject and who will not come in after three years and want more time.

Mr. SHERMAN. In a matter of this kind very often on a single point a committee of conference may not have made a very satisfactory arrangement. I have no doubt at all that now if this matter was recommitted to the committee they would make a report perfectly satisfactory. I know the feeling with regard to the organization of this commission is that civil engineers should be represented on the board for the examination of this work. I therefore, to expedite the matter, move that the report be recommitted to the same committee of conference, both of the Senate and House, and I have no doubt, for I have conversed with members of the committee, that in five minutes they can arrange this matter satisfactorily.

Mr. DAVIS. I will agree to this recommitment with the understanding that the committee will bring in the number sufficient.

Mr. SHERMAN. They understand that perfectly.

Mr. WEST. I move that the report be recommitted to the same committee of conference with instructions to increase the number of civil engineers. ["O, no."]

Mr. SHERMAN. I would not instruct them at all.

Mr. WEST. It may not be understood.

The PRESIDENT *pro tempore*. The Chair will observe that the practice has been against such instructions.

Mr. SHERMAN. I move that the report be recommitted to the same committee of conference.

Mr. HAGER. I desire simply to express my regret that the committee have left out the appropriation for the harbor of San Diego, which was put in the other day on my motion in the Senate. I say so because I have been told by the Coast Survey Department that unless the harbor is protected, it will cost at least \$2,000,000 to restore that harbor in the course of a few years, and that is the report of General Alexander, of the Corps of Engineers, who has telegraphed recently calling the attention of the department to the importance of the preservation of that harbor, the only one, as I stated, for a thousand miles on that coast where the ocean steamers are in the habit of putting in in stress of weather.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio to recommit the report to the conference committee.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. HARVEY. I move that the Senate proceed to the consideration of House bill No. 3250.

Mr. WINDOM. I have a report from a committee of conference to submit.

Mr. BOUTWELL. I object until I know what the bill is.

The PRESIDING OFFICER. The title of the bill will be read for information.

The CHIEF CLERK. A bill (H. R. No. 3250) to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department.

Mr. MORRILL, of Vermont. I think conference reports ought to be received before anything else is done.

The PRESIDENT *pro tempore*. The question is, "Will the Senate proceed to consider this bill?"

Mr. BOUTWELL. I know enough about that bill to be able to say that it cannot pass the Senate without a great deal of discussion. It will require, in order that it may be acted upon with a proper understanding of the subject, a good deal of examination. I hope the Senate will not undertake to consider it at this session.

Mr. HARVEY. I am ready for the discussion, but I apprehend it will not take long to make it fully understood by the Senate.

Mr. MORRILL, of Vermont. Is a conference report in order?

The PRESIDENT *pro tempore*. A conference report, under the rules of the Senate, has no privilege. The Senator from Kansas moves to consider the bill named by him.

Mr. WRIGHT. I trust that the bill moved by the Senator from Kansas, reported from the Committee on Public Lands, will be taken up. If this bill should lead to discussion let it be so. It is a matter of the greatest importance to settlers and all persons interested in public lands that this bill should be taken up and passed, if possible. I trust therefore the Senate will take up the bill and act upon it.

Mr. STEWART. I hope it will not be taken up, for I think the bill has a good many defects in it that the committee, if they consider it more deliberately, will be able to remedy.

Mr. MORRILL, of Vermont. I wish to say that the enrolling clerks think it will be impossible for them to enroll the bills in the hands of conference committees unless they can have them at once, and I hope therefore we shall proceed with the conference reports before anything else is done.

Mr. WRIGHT. I think the bill should be taken up even if it has to be laid aside informally for conference reports.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas to proceed to the consideration of House bill No. 3250.

Mr. HARVEY. I hope the bill will be taken up.

The motion was not agreed to.

GAS-WORKS.

The PRESIDENT *pro tempore*. The Chair will recognize any Senator with the report of a committee of conference.

Mr. MORRILL, of Vermont, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (S. No. 733) regulating gas-works, 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 its disagreement to the first amendment of the House, and agree to the same.

That the Senate recede from its disagreement to the second amendment of the House, and agree to the same with the following amendments: Strike out the words "eight dollars" and insert in lieu thereof the words "eight dollars and fifty cents" and after the words "ensuing year," insert the words "excepting the Ritchie mineral and the Richmond coal, the cost of which shall not enter into any calculation in making up an average, which statement shall be."

The committee also recommend the following amendment to section 16: Strike out the words "Washington Gas-light Company" and insert in lieu thereof the words "any gas-light company in the District of Columbia."

JUSTIN S. MORRILL,
WM. B. ALLISON,
HENRY COOPER,
Managers on the part of the Senate.
W. L. SESSIONS,
CHAS. O'NEILL,
STEVENSON ARCHER,
Managers on the part of the House.

Mr. DAVIS. I should like to ask the Senator from Vermont whether the report makes any change in the cost of gas?

Mr. MORRILL, of Vermont. None at all.

The report was concurred in.

INSANE CONVICTS.

Mr. FRELINGHUYSEN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House concur in the Senate amendments.

F. T. FRELINGHUYSEN,
GEORGE G. WRIGHT,
J. W. STEVENSON,
Managers on the part of the Senate.
C. D. MACDOUGALL,
J. B. RICE,
R. M. SPEER,
Managers on the part of the House.

The report was concurred in.

POST-OFFICE APPROPRIATION BILL.

Mr. FRELINGHUYSEN. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from New Jersey rise with another conference report?

Mr. FRELINGHUYSEN. I desire to have the floor for the purpose of calling up a bill—

The PRESIDENT *pro tempore*. The Chair will recognize any Senator with a conference report.

Mr. WINDHAM. I desire to submit the report of the committee of conference on the post-office appropriation bill.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on 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, 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 its amendments numbered 13 and 15.

That the House recede from its disagreement to the amendments numbered 2 and 5, and agree to the same.

That the House recede from its disagreement to the sixth amendment.

Mr. WINDHAM. Perhaps I may save time by stating that this is precisely the same report heretofore submitted with two exceptions. First, the charge for newspaper postage is 2 cents instead of 1½ cents, and the committee provide also that the daily CONGRESSIONAL RECORD may be sent through the mails at 1 cent each. Those are the only changes from the previous report.

The report was concurred in.

ORDER OF BUSINESS.

Mr. FRELINGHUYSEN. I move that the Senate proceed to the consideration of House bill No. 3097 in relation to courts and judicial officers in the Territory of Utah.

Mr. SPENCER. We cannot pass that.

Mr. RAMSEY. Is that the report of a committee of conference?

The PRESIDENT *pro tempore*. The Chair is informed it is not, but the Senator from New Jersey obtained the floor for the purpose of calling up the bill.

Mr. RAMSEY. I thought I had the floor before and I was ruled out simply because I had not the report of a committee of conference. If the Senator from New Jersey rises with other business I claim the floor.

The PRESIDENT *pro tempore*. The Senator from Minnesota is mistaken as to the matter of fact. He did not have the floor.

Mr. DAVIS. I give notice that I intend to press the Calendar of unobjected cases, and I shall object to any bill so that we may go along with the Calendar of unobjected cases.

Mr. FRELINGHUYSEN. I move that the Senate proceed to the consideration of this bill.

Mr. DAVIS. I understand that is the bill relating to Utah, which of course will give rise to some discussion.

Mr. FRELINGHUYSEN. I think not.

Mr. DAVIS. I have heard Senators say they meant to discuss it. I do not intend to discuss it myself. There is a large number of unobjected cases on the Calendar, and I think they ought to be considered. It is only intended to consider such as are unobjected to, and I think we ought to proceed with them.

Mr. FRELINGHUYSEN. I think we ought to proceed with the Utah bill.

Mr. LOGAN. I was one who proposed to discuss the bill, but in view of the circumstances I shall not do so.

Mr. SPENCER. Every committee of the Senate has had a day except the Committee on the District of Columbia, and there are two bills reported from the Committee on the District of Columbia that ought to be passed. There is House bill No. 2179 to incorporate the Inland and Sea-board Coasting Company of the District of Columbia that will not require any discussion whatever. Every Senator on hearing it read will agree to the necessity and justice of passing it. I move that the Senate proceed to the consideration of House bill No. 2179. It will not take two minutes; and the Committee on the District of Columbia have not had one hour during this session.

The PRESIDING OFFICER. The motion of the Senator from New Jersey to proceed with his bill is pending.

Mr. SPENCER. If the Senator is willing to yield to me to pass this bill I will then vote for his motion.

Mr. FRELINGHUYSEN. I want the Utah bill taken up first.

Mr. WRIGHT. At the last session of Congress a bill much less severe and much more objectionable than the bill that is now presented to the Senate—I mean much more objectionable to any persons who deem that legislation on this subject is advisable—passed the Senate. I am not aware that the bill as it stands now is particularly objectionable. This fact is patent that in Utah they are substantially without courts and without any of the machinery that is necessary to enforce the law. Now we are within sixteen hours of the adjournment. The question is whether we shall take up this bill at this time and if possible pass it, or whether we shall occupy our time in pressing private bills. I believe this bill can be passed in half an hour or an hour.

Mr. ALCORN. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from Mississippi will state his point of order.

Mr. ALCORN. It is whether the question of taking up the bill is debatable.

The PRESIDENT *pro tempore*. It is; but not as to the merits. The question of taking it up is debatable; the merits of the bill are not debatable on this motion. The Senator from Iowa has not touched the merits of the bill, but is trying to show that it ought to be taken up now.

Mr. ALCORN. I thought he was talking about the condition of the Territory, and the bill that was passed by the Senate at the last session of Congress.

Mr. WRIGHT. I have said nothing in reference to the merits of this bill, as to how we should vote or what disposition should be made of it. I am only speaking of the necessity of some action on the subject. That we should pass some bill, either this with amendments or some other bill, in view of the condition of things in Utah, it seems to me is patent to every person. Now, the question is whether we shall spend half an hour or an hour at this time of the night for the purpose of disposing of this bill, or whether we shall have a scramble here over private bills and let this go over. It seems to me that on every principle I can possibly think of, it is due to the country that we should take up this bill and make some disposition of it.

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

The question being put, there were on a division—ayes 20, noes 18.

Mr. SARGENT called for the yeas and nays; and they were ordered.

Mr. THURMAN, (at one o'clock and two minutes a. m.) I move that the Senate adjourn.

The motion was not agreed to; there being on division—ayes 18, noes 22.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from New Jersey to take up the Utah bill.

The question being taken by yeas and nays, resulted—yeas 26, nays 23; as follows:

YEAS—Messrs. Allison, Anthony, Boreman, Boutwell, Buckingham, Carpenter, Chandler, Conover, Ferry of Michigan, Flanagan, Frelinghuysen, Harvey, Logan, Mitchell, Morrill of Vermont, Pease, Robertson, Scott, Sherman, Spencer, Sprague, Tipton, Wadleigh, West, Windom, and Wright—26.

NAYS—Messrs. Alcorn, Bayard, Boggy, Clayton, Cooper, Davis, Dennis, Goldthwaite, Gordon, Hager, Hamilton of Texas, Hitchcock, Ingalls, Kelly, Merrimon, Norwood, Ransom, Sargent, Sanlbury, Schurz, Stevenson, Stockton, and Thurman—23.

ABSENT—Messrs. Brownlow, Cameron, Conkling, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Hamilton of Maryland, Hamlin, Howe, Johnston, Jones, Lewis, McCreery, Morrill of Maine, Morton, Oglesby, Patterson, Pratt, Ramsey, Stewart, and Washburn—24.

So the motion was agreed to.

RAILROAD POSTAL SERVICE.

Mr. MITCHELL. In the Senate on the 24th of March, 1873, the following resolution was adopted:

Resolved, That the Select Committee on Transportation Routes to the Sea-board be directed to inquire and report to the Senate, at its next session, as to the nature and extent of the obligations subsisting between the railroad companies and the postal service of the country; and whether any and what additional legislation is necessary to guard the postal service against interruption or injury by hostile action on the part of any or all of said railroad companies.

In pursuance of this resolution the Select Committee on Transportation Routes to the Sea-board took a large amount of testimony, and the whole matter was a few weeks ago referred to myself as a sub-committee to report to the committee. The sub-committee has prepared a report and submitted it to the committee, and they have instructed me, not having time to examine it, to present the report to the Senate and ask that it be printed and recommitted for examination during the recess; and in that connection they have also instructed me to offer the following resolution, which I ask for the immediate consideration of:

Resolved, That the Select Committee on Transportation Routes to the Sea-board be authorized to report at the next session of Congress a bill providing for the compensation for postal-car service; and for that purpose the said committee is authorized to sit at Washington City during the recess of Congress, and to make such further investigations as it may deem proper, and to employ a clerk; and that the actual necessary expenses be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. ROBERTSON. Can that resolution be considered if there be one objection?

The PRESIDENT *pro tempore*. It cannot.

Mr. ROBERTSON. I object.

The PRESIDENT *pro tempore*. The question is on printing the report.

The report was ordered to be printed.

The PRESIDENT *pro tempore*. The resolution will lie over, objection to its present consideration being made.

COMMITTEE ON THE LIBRARY.

Mr. ALLISON. I submit the following resolution on behalf of the Library Committee:

Resolved, That the Committee on the Library have leave to sit during the recess of the Senate.

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

PAY OF PAGES.

Mr. FLANAGAN. I offer a small resolution:

Resolved, That the usual per diem compensation be paid to the pages up to the 10th of July.

Mr. WRIGHT. I believe an order was made on that subject up to the 1st of July the other day.

Several SENATORS. That is long enough.

Mr. FLANAGAN. The little boys will be kept here a considerable time yet. There is a good deal of business for them to do. I hope they will be encouraged.

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

TEXAS JUDICIAL DISTRICTS.

Mr. WRIGHT. I wish to make a report. The Committee on the Judiciary, to whom was referred the bill (S. No. 736) to change the boundaries of the eastern and western judicial districts of the State of Texas, and to fix the times and places of holding courts in the same, have instructed me to report it back and recommend its passage.

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

PROTECTION OF PERSONS OF FOREIGN BIRTH.

Mr. ANTHONY. As the Utah bill has been taken up—

Mr. FRELINGHUYSEN. Let us get on with it.

Mr. SARGENT. There is a bill which has passed the House to prevent the slavery of Italian children reported favorably by the Judiciary Committee of this body. I do not think it will take a minute to pass it. If it is passed, there is an amendment reported by the Judiciary Committee that the House can concur in. It is a most humane bill, and I trust it may be allowed to pass.

By unanimous consent, the bill (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude was considered as in Committee of the Whole.

The bill had been reported by the Committee on the Judiciary with amendments.

The first amendment was to strike out commencing in line 7 of section 1 the following words:

And whoever shall knowingly and willfully hold any other person in involuntary confinement or to any involuntary service, or who shall transfer any such service to any other person except for the purpose of acquiring a trade or occupation, in the United States, or the Territories thereof.

The amendment was agreed to.

The next amendment was to strike out the third section of the bill in the following words:

Sec. 3. That every person charged with the felonies herein declared may be tried in the district in which the same have been committed, or in any district in which the person so inquired, brought, kidnapped, sold, or held has been taken under such confinement or holding to involuntary servitude.

The motion was agreed to.

Mr. THURMAN. I move to strike out the fourth section.

The Chief Clerk read the fourth section, as follows:

Sec. 4. That upon the trial of the felonies herein declared, the consent of the person so held, confined, or kidnapped shall not be a defense unless it appear satisfactorily to the jury that such consent was not extorted by threats or by duress.

Mr. THURMAN. That section admits that consent, not extorted by duress or violence, is a defense, and well it may admit it because the *gravamen* of the charge is that one person holds another in involuntary servitude, which cannot be the case where the party so held consents. The idea of there being consent shows that there is no involuntary servitude; but now this fourth section provides that although consent be given, it shall be no defense unless it shall appear that that consent was not the result of duress or violence.

Mr. SARGENT. I do not think it is necessary to debate it. I have no objection to the section going out.

The PRESIDENT *pro tempore*. The question is on the amendment to strike out the fourth section.

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.

RIVER AND HARBOR BILL.

Mr. DENNIS. I am instructed by the committee of conference to submit a second report on 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.

Mr. FRELINGHUYSEN. I suggest that the Clerk read the change and not the whole report.

The CHIEF CLERK. The change is in the last paragraph of the report, which now reads:

That the House recede from its disagreement to the amendment numbered 50, and agree to the same with an amendment as follows: strike out the words "two from the Army, two from the Coast Survey," and insert in lieu thereof "three from the Army, one from the Coast Survey," also strike out the word "fifty" and insert the words "twenty-five" in lieu thereof; and the Senate agree to the same.

Mr. STEWART and Mr. SHERMAN. How will it read then?

Mr. BUCKINGHAM. The word "three" is restored in the second line.

Mr. SHERMAN. Meaning three from civil life?

Mr. BUCKINGHAM. Yes.

Mr. WEST. I see that they have cut the appropriation down to \$25,000; and how are you to pay the civil engineers?

Mr. SHERMAN. We shall have to raise the money for them.

Mr. WEST. Very well; we will raise the money for them.

Mr. BUCKINGHAM. I should like to have the Clerk report the clause as it is amended, "three" being inserted instead of "one" on the second line, so as to read "three from civil life."

The CHIEF CLERK. The conference committee propose to amend the third section inserted by the Senate as an amendment so as to make it read:

Sec. 3. That a board of engineers to be composed of three from the Army, three from civil life, and one from the Coast Survey, be appointed by the President; which said board shall make a survey of the mouth of the Mississippi River, with a view to determine the best method of obtaining and maintaining a depth of water sufficient for the purposes of commerce, either by a canal from said river to the waters of the Gulf, or by deepening one or more of the natural outlets of said river; and said board shall make a full and detailed estimate and statement of the cost of each of said plans, and shall report the same, together with their opinion thereon, showing which of said plans they deem preferable, giving their reasons therefor, to the Secretary of War, to be presented at the commencement of the second session of the Forty-third Congress; and that the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the cost of said survey.

The report was concurred in.

THE CONGRESSIONAL PRINTER.

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

Resolved, That one hundred extra copies of the report of the Senate Committee on Public Printing on the charges preferred against the Congressional Printer be printed for the use of the committee.

THE SUMNER EULOGIES.

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

Resolved, That fifty extra copies of the eulogies on the late Hon. Charles Sumner be printed and suitably bound for the use of the committee appointed to attend his remains to Massachusetts.

HOUR OF MEETING.

Mr. MORRILL, of Maine. I desire to reconsider the vote by which the Senate fixed the hour of meeting for to-morrow at ten o'clock. It becomes necessary to meet a little earlier on account of the presentation of the report of the committee of conference on the sundry civil appropriation bill, which we hope to have ready at that time, and it is necessary to get it to the other House in season for action upon it, it first having to be presented here. I move therefore to reconsider the vote fixing the hour of meeting to-morrow at ten o'clock with a view to making it nine.

The PRESIDENT *pro tempore*. The Senator from Maine moves to

rescind the vote by which the Senate ordered that when it adjourn to-day it be to meet to-morrow at ten o'clock.

The motion was agreed to.

Mr. MORRILL, of Maine. I now move that when the Senate adjourn it be to meet to-morrow at nine o'clock.

The motion was not agreed to.

Mr. MORRILL, of Maine. Then, gentlemen, fix the time to suit yourselves; you understand the business.

Mr. ALCORN. I rise to an inquiry of the Chair. The Senator from Maine—

Mr. FRELINGHUYSEN. I believe there is a bill that I have a right to demand the regular order on. I have allowed many things to come in.

Mr. SHERMAN. I move that when the Senate adjourns to-day it be to meet to-morrow at half past nine o'clock.

Mr. BAYARD. I hope the Senator from Ohio will take a rather broader view of the situation and move to make it ten o'clock.

Mr. SHERMAN. We have just reconsidered that.

Mr. BAYARD. I move to amend the motion by saying ten o'clock.

The PRESIDENT *pro tempore*. The Senator from Delaware moves to amend the motion by striking out "half past nine" and inserting "ten o'clock" to-morrow as the hour of meeting.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the motion as amended, which is that when the Senate adjourns to-day it be to meet to-morrow at ten o'clock.

The motion was agreed to.

Mr. SHERMAN. Now I move that the Senate adjourn.

Mr. FRELINGHUYSEN. I think I have the floor.

The PRESIDENT *pro tempore*. The Utah bill being before the Senate, and being the unfinished business, the Senator from Ohio moves that the Senate do now adjourn.

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

The yeas and nays were ordered; and being taken resulted—yeas 26, nays 24; as follows:

YEAS—Messrs. Alcorn, Bayard, Boggy, Clayton, Cooper, Davis, Dennis, Goldthwaite, Gordon, Hager, Hitchcock, Jones, Kelly, Morrill of Vermont, Norwood, Pratt, Ransom, Robertson, Saulsbury, Schurz, Scott, Sherman, Stewart, Stockton, Tipton, and Washburn—26.

NAYS—Messrs. Anthony, Boreman, Boutwell, Buckingham, Carpenter, Chandler, Conover, Ferry of Michigan, Flanagan, Frelinghuysen, Harvey, Howe, Ingalls, Logan, Merrimon, Mitchell, Pease, Ramsey, Spencer, Sprague, Wadleigh, West, Windom, and Wright—24.

ABSENT—Messrs. Allison, Brownlow, Cameron, Conkling, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Hamilton of Maryland, Hamilton of Texas, Hamlin, Johnston, Lewis, McCreery, Morrill of Maine, Morton, Oglesby, Patterson, Sargent, Stevenson, and Thurman—23.

So the motion was agreed to; and (at one o'clock and thirty-five minutes a. m. Tuesday, June 23) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, June 22, 1874.

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

The Chaplain, Rev. J. G. BUTLER, D. D., offered the following prayer:

Thou sovereign God before whom the nations live and die, upon whom we depend, who hast led us all these years, now in parting bless us. Sanctify to us, we pray Thee, the kind providence which has spared us during these months. Sanctify to us the dispensations of Thy providence which have brought death to this Chamber. O, let Thy spirit now guide our feet in the paths of obedience and peace, that we may enjoy ever Heaven's benediction, whether we live here or in that world in which we never die. We pray Thee bless the legislation of this session. Have our Government, in all its departments, in Thy holy keeping. Dwell Thou in every heart by Thy Holy Spirit. Abide with those who remain; go with those who go; and grant, O God, that this land may be Immanuel's land; that truth and righteousness and peace may everywhere prevail; and that we among the nations of the earth may continue to be abundantly blest, illustrating before the world the power of the divine life.

Father, wherein we have sinned against each other help us to forgive as Thou hast forgiven us. Guide us ever by Thy Divine counsel, and may we ever follow Him who hast taught us to pray:

Our Father, which art in Heaven; hallowed be Thy name. Thy kingdom come. Thy will be done on earth, as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation; but deliver us from evil: For Thine is the kingdom, and the power, and the glory, forever and ever. Amen.

READING OF THE JOURNAL.

On motion of Mr. DAWES, by unanimous consent, the reading of the Journal of Saturday last was dispensed with.

GENEVA AWARD.

Mr. BUTLER, of Massachusetts. I submit the report which I send to the Clerk's desk from the committee of conference upon the Geneva award bill.

The Clerk read the report as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain, having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its amendment to the bill of the Senate and agree to the same with the following modification, namely: Strike out section 5 and insert as section 5 a new section in the words following:

SEC. 5. That the President may designate a counselor at law, admitted to practice in the Supreme Court of the United States, to appear as counsel on behalf of the United States, and represent the interest of the Government in said suit, and in all claims filed for indemnity for losses, as provided by this act, subject to the supervision and control of the Attorney-General. Such counsel shall receive for his services and expenses such reasonable allowance in each claim as may be approved by the court, to be apportioned in each claim adjudicated, and paid from said award upon the certificate of one of the judges.

Strike out, commencing on line 11, section 11, "and all claims provable or to be allowed under this act shall be stated and adjudged upon the basis of United States gold coin at the time of the loss" and insert instead "all claims."

Strike out in section 14, commencing on line 4, the words "shall retain in the Treasury 5 per cent. of the amount of the judgments rendered by the said court," and on the eighth line of same section strike out "95 per cent. of." Commencing on the twenty-second line of the same section strike out the words "deducting nevertheless from each of the said judgments and retaining in the Treasury 5 per cent. of the amount of the said judgments respectively."

On second line of the fifteenth section strike out the words "in coin."

On the twenty-seventh line of the same section strike out the words "the same shall be carried to the general fund of the Treasury," and insert instead "the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon."

After the sixteenth section insert the two following sections, to wit:

SEC. 17. In ascertaining the amount of such losses, the memorials, affidavits, depositions, and any other papers in the several cases of losses claimed respectively, now filed in the State Department, or official copies thereof, may be read in evidence: *Provided*, That no affidavit shall be read except where it appears to the satisfaction of the tribunal that the affiant cannot be produced before it as a witness or his testimony taken by commission upon interrogatories; and in the hearing of the cause any party claiming shall produce all books, papers, letters, and documents that may be called for by a general description thereof by any opposing party, or satisfactorily account for their loss or non-production, or suffer such judgment as is prescribed in section 15 of the act entitled "An act to establish the judicial courts of the United States," approved September 29, 1873; and on the hearing of the cause, any competent evidence may be produced by either party, either *vide voce* or by deposition taken upon interrogatories; and for this purpose depositions may be taken by either party *de bene*, or the court may admit affidavits where it is satisfactorily shown that the witness cannot be produced or his examination by interrogatories and cross-examination cannot be had.

SEC. 18. That in case any judgment is rendered by said court for indemnity for any loss or claim hereinbefore mentioned against the United States at the time of the giving of the judgment, the court shall, upon motion of the attorney or counsel for the claimant, allow out of the amount thereby awarded, such reasonable counsel and attorney fees to the counsel and attorney employed by the claimant or claimants respectively as the court shall determine to be just and reasonable, as compensation for the services rendered the claimant in prosecuting such claims, which allowance shall be entered as part of the judgment in such case, and shall be made specifically payable as a part of said judgment for indemnification to the attorney or counsel, or both, to whom the same shall be adjudged; and a warrant shall issue from the Treasury in favor of the person to whom such allowance shall be made respectively, which shall be in full compensation to the counsel or attorney for prosecuting such claim; and all other liens upon, or assignments, sales, transfers, either absolute or conditional, for services rendered or to be rendered about any claim or part or parcel thereof provided for in this bill heretofore or hereafter made or done before such judgment is awarded and the warrant issued therefor, shall be absolutely null and void and of none effect.

And the Senate agree to the same.

BENJ. F. BUTLER,

WM. P. FRYE,

Managers on the part of the House.

FREDK. T. FRELINGHUYSEN,

GEO. G. WRIGHT,

Managers on the part of the Senate.

Mr. BUTLER, of Massachusetts. I ask the attention of the House for a moment while I explain this report.

Mr. Speaker, the committee of conference upon the Geneva award bill have agreed first to the payment of the uninsured losses by vessels for which the Geneva tribunal held Great Britain liable. They have agreed to the Senate bill so far as it does not allow the insurers and underwriters to be paid except where upon stating the account of profit and loss it appears that the underwriters have incurred losses on the whole business. They have also stricken out from the Senate bill the provision that these losses shall be adjudicated in gold, finding that nearly impracticable.

We have agreed to strike out what is known as the 5 per cent. clause, that is the clause providing that the Government should retain 5 per cent. for doing the business—a sort of claim-agent fee—and only pay 95 per cent. of the judgment. Then we have inserted a clause that instead of covering the balance into the Treasury, it shall be allowed to remain as a fund from which Congress may hereafter pay other losses. We have agreed to a court of commission instead of the circuit court, and in order to prevent the great evil to be feared from a court of commission we have provided as did the House bill against all assignments for services, all contingent fees, and have made provision that the court of commission shall determine the claims for services in each case.

I believe these are all the provisions of the report and all the changes that have been made. Upon some questions both Houses have agreed, to wit, that the uninsured losses by the cruisers for which the Geneva tribunal held Great Britain liable, including the insurance companies that have suffered losses, on striking a balance, both have agreed. Upon the question of paying insurance companies beyond that both Houses have agreed. And the other amend-

ments are rather amendments of mode, of distribution. I will now answer any questions that any gentleman may desire to ask.

Mr. POLAND. I desire to ask about what amount of money it will take to pay the claims that are provided for by this bill as the committee of conference have left it?

Mr. BUTLER, of Massachusetts. My belief is not more than \$3,000,000.

Mr. POLAND. What provision is made for the balance of the money?

Mr. BUTLER, of Massachusetts. That is provided for in this way: "If there shall remain any part of said money, the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon."

Mr. TREMAIN. As to war-premium claims, as to the owners of uninsured vessels that were destroyed by other cruisers than the three for which Great Britain was held responsible, and as to the insurance companies who cannot show by an account of their general business that they sustained losses, I understand that this report does not preclude them from asking for and obtaining payment out of the fund by subsequent congressional legislation.

Mr. BUTLER, of Massachusetts. On the contrary, this report leaves open to the war-premium men and the men who lost by cruisers other than the three named in the award and the Shenandoah before Melbourne—in regard to them the report is silent. As to the underwriters who have not suffered a loss in their whole business, the report simply says that they cannot receive any pay before this tribunal. It is silent as to the war-premium men and the other men precisely as the Senate bill is.

Mr. POLAND. Does this bill as it is left by the committee of conference positively and actually forbid any payment to be made to insurance companies for the vessels for which you do provide for payment?

Mr. BUTLER, of Massachusetts. It absolutely forbids it by this court, by this commission; it leaves it to be ordered by legislation hereafter as it does to war-premium men.

Mr. E. R. HOAR. Having failed to get exactly the purport of the explanation of the gentleman, I wish to ask whether this conference report, summing it up, amounts to this: That it provides for the payment of those classes of claimants about whose claims there have been no disputes, and leaves all others for the future judgment of Congress.

Mr. BUTLER, of Massachusetts. Exactly that; I now yield to the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. ELDREDGE. I hope this conference report will not be agreed to by this House. It is now conceded, not only by the majority of the Committee on the Judiciary of this House, but it is conceded by the conference committee of the Senate and House of Representatives now making this report, that this fund belongs absolutely to the United States. No such agreement could have been come to as has been made by this committee of conference if in law, equity, and justice this fund belonged to individuals. It is therefore agreed by everybody who has at all considered this subject officially that this money is absolutely the property and money of the United States. Now, I put it to this House whether this being conceded we should go to work and distribute this entire fund or any portion of it any more than we would distribute other moneys that are in the Treasury of the United States, when according to the concession of all parties who have been connected with this matter at all it is agreed that this fund is as much the property and money of the United States as any money in the Treasury. I understand that the conference committee agree that this fund is not to be distributed upon adjudicated claims. They set up a proposition here that there are no adjudicated claims, no considered and agreed claims; but that there are some on which no dispute arises, and it proposed to pay those claims only which were not disagreed to by the persons appearing before the arbitrators at Geneva. I can see no earthly reason why Congress should go to work and distribute this fund on the plan proposed. Who knows whether these claims are just and right? Has there been any proof presented? Is there any one here who can vouch for them? Why are they to be paid and the whole money not distributed? If this money was adjudicated upon claims presented to and considered by the Geneva arbitration, then every dollar of it should be distributed, and distributed upon the adjudication. Congress has no right to say that certain claims shall be paid and certain others not paid without investigation or consideration. It is either adjudicated money agreed to belong to individuals, or it belongs to the Government. I say the committee have conceded that it belongs to the Government, and I hope the House will never agree to this report.

Mr. BUTLER, of Massachusetts. I now yield to the gentleman from Maine, [Mr. FRYE.]

Mr. FRYE. I desire to say a word or two in relation to this report. The doctrine of the gentleman from Wisconsin [Mr. ELDREDGE] seems to me monstrous, that this money, which has been paid by Great Britain for the losses suffered in consequence of the acts of the privateers which she sent out upon the ocean, shall be covered into the Treasury of the United States. It seems to me that the power exercised by the United States in withholding money belonging to the French spoliation claimants has been a monstrous exercise of power.

Mr. ELDREDGE. Allow me to ask a question.

Mr. FRYE. It seems to me that the withholding from Japan the

money that we have in our Treasury to-day is a monstrosity on the part of the United States.

Mr. ELDREDGE. In the report to which the gentleman from Maine [Mr. FRYE] has affixed his own name, does he not say that this money belongs to the United States free and clear from any legal or equitable claim whatever?

Mr. FRYE. I say in the report which I signed that this money belongs to the United States, and that it is held by the United States to be distributed as the laws of justice and equity demand.

Mr. ELDREDGE. The gentleman uses the exact words, or very nearly the exact words that I have quoted—that the money belongs to the United States free and clear of all claims whatever, equitable or legal.

Mr. FRYE. And this money belonging to the United States, citizens of the United States entitled to the protection of the Government, having had their vessels destroyed by pirates fitted out in Great Britain, come to Congress and ask that they shall be reimbursed for those losses; and there is force in their claim which ought to impel every member Congress to answer by giving them bread, not a stone.

I have not given up a jot of my convictions. I hold to-day as I held in the beginning, that the insurance companies have no right whatever in this fund. I hold that we are not justified as a Congress in paying the insurance companies one dollar. All the discussion in the committee of conference, which has been long, has not tended at all to convince me that the position I took is not sound. I have not yielded my convictions on this question. I propose hereafter, if my constituents should send me here, to fight it out on that line to the bitter end. I will never consent to subordinating the claims of the war-premium men, equitable in every respect, to the claims of the insurance companies unjust in every respect.

But, sir, the question came before us, "What shall we do?" We could not agree. There are certain men about whose rights there is no dispute—honest men, poor men; and money belonging to them under the rules of equity is lying in the Treasury of the United States. In our fight between the war-premium men and the insurance companies, shall the payment of these poor and honest claimants, about whose rights there is no dispute, be deferred year after year until they die wearily waiting for what belongs to them, or shall we say like men, "There is no dispute about these claims; and therefore, while we put off the fight as to the rest until some future day, these men shall have their pay now."

Sir, I could not justify myself to my conscience if I permitted this Congress to adjourn without letting these men have what is justly their own; and I trust, sir, that at a future session this fight will be renewed, and that right will in the end prevail. I hope that the conference report will be adopted, and that these men will be paid.

Mr. TREMAIN. Mr. Speaker, there is a strong equity in declaring that claimants whose claims are undisputed, whose losses were presented by our Government, acting in behalf of its citizens, to the tribunal at Geneva, and whose claims were allowed and included in that award, shall not be compelled to await payment of their claims until these matters about which disputes have arisen shall be determined by Congress. I should therefore concur cheerfully in this report were it not for an expression in it which may hereafter perhaps be construed as laying down a precedent that may be unfavorable to the insurance companies. I refer to the provision declaring that before insurance companies under this bill can be allowed for any of their claims they must show by an account of their business during the war that the premiums received by them were not sufficient to indemnify them for their losses. It is true that that provision applies only to this bill. It is said that this bill will only call for the payment of about two million five hundred thousand dollars or three million dollars; and if that clause were struck out I should have no hesitation whatever in casting my vote in favor of the bill. The chairman of the conference committee, however, states that this bill will not preclude insurance companies or war-premium claimants or the owners of uninsured vessels which were destroyed by other cruisers than the Florida, the Alabama, and the Shenandoah before she touched at Melbourne from having their claims considered and allowed by any future Congress or by this Congress at its next session. If the gentlemen who are here now were to constitute the only tribunal to be called upon hereafter to decide this case I suppose that this disavowal might be regarded as having influenced the action of this House, and that therefore no injury would result to the insurance companies.

As to the payment of the \$2,500,000 of uninsured claims on the part of owners of vessels that were destroyed and whose claims were allowed at Geneva, nobody questions their right. We concede that their claims were allowed at Geneva and formed a part of the award. The very principle upon which we advocate the claims of the insurance companies requires that these undisputed demands should be allowed; and while this bill only goes, as we understand, so far as to allow claims that were thus recognized at Geneva and formed a part of the award, it by no means sanctions the principle advocated by the gentleman from Wisconsin [Mr. ELDREDGE] that the Government does not hold this fund as trustee but as absolute owner, but on the contrary, it concedes a principle directly the reverse. If the uninsured owners whose claims were not allowed or the war-premium claimants who it is said have an equitable claim upon this fund were

proper subjects for indemnity, they have just as good a right to come in and as strong a claim to be recognized under this bill as those whose claims were recognized and allowed at Geneva.

Mr. HAWLEY, of Illinois. I wish to inquire whether this conference report gives anything to the insurance companies?

Mr. TREMAIN. I have already stated that it only recognizes the claims of insurance companies who upon an account of their general business may be able to show upon the whole a loss.

Mr. KELLOGG. Will my friend from New York [Mr. TREMAIN] state whether, in his judgment, that provision will prevent future action of this or some other Congress doing full justice to the insurance companies?

Mr. TREMAIN. I have already stated that I asked the chairman of the conference committee whether this would preclude the insurance companies or these other claimants—the war-premium men and the owners of vessels destroyed by other cruisers than those mentioned—and he said it would not.

Mr. BUTLER, of Massachusetts. It would not by this act.

Mr. TREMAIN. Not by this act. The distinguished gentleman from Massachusetts [Mr. HOAR] asked the question of the chairman [Mr. BUTLER] whether insurance companies were precluded in the future from coming in, and he answered unequivocally that they were not. The bill does provide the balance of the fund over and above the amounts allowed by its provisions shall remain in the Treasury subject to the future action of Congress. But what I object to in the report, and that is all I do object to, is that there should have been any provision made for insurance companies at all under those circumstances. What I call the attention of the House to, and leave for them to judge, is when it lays down the doctrine under this bill that an insurance company can only be allowed where it can show by the account of its business during the war it has met with losses; in other words, that its premiums were not sufficient to pay its losses, to say nothing of the expense of its business, it may be urged hereafter that it is a congressional recognition of the principle that insurance companies cannot be allowed on the mere naked doctrine of subrogation by being substituted in the place of the original owners. Of course Congress has plenary power over the subject, and may do what is right with the fund still remaining in the Treasury; but as I said before, if that section were stricken out I should cheerfully vote for the report, and the only embarrassment I have is that this matter may not be determined at the next session of Congress, and succeeding sessions of Congress, not having heard these disavowals accompanying and forming part of this report and influencing the action of this House in voting for or against it, looking only to the law, may interpret it as a recognition of a principle adverse to the doctrine for which we have contended.

But what I wish to say, and I desire to say it now, is that so far as it goes it is an express recognition of the principle for which we have contended, that only those claims allowed shall be paid out of the fund—that were allowed at Geneva and formed part of the award. So far it adopts a sound and just principle; and I have only this to say in answer to the gentleman from Maine, [Mr. FRYE:] I do most sincerely from the bottom of my heart regret that this Congress is about to adjourn without carrying out to its legitimate conclusion the logic of this report; I do most sincerely regret that we shall stand before the world for another period of time with a stain resting upon us because we have failed promptly to respond to a demand clearly established by the principles of law and equity and resting upon our honor and upon our pledged faith.

And when the gentleman from Maine says that these insurance companies have no claim, I take occasion to say to this House that our action in passing the House bill, which I rejoice has been promptly rejected by the Senate, has called from all parts of this country, from the best talent of the country, and from the most honored jurists of the country, a universal expression of disapproval, in which I undertake to say no prominent jurist and no leading newspaper of the country has sanctioned the principle of the spoliation and confiscation of the property of these insurance companies. Mr. William Beach Lawrence, perhaps second to no publicist in the United States, has written a letter on the subject of this bill to the Providence Journal, in which, after alluding to the claims for war premiums as being properly rejected because they belonged to "the indirect claims," he says:

And for the first time it is believed, either in municipal law or international discussions, has an attempt been made to deprive insurers of the title vested in them by the payment of the losses insured against.

He then adds:

One thing I conceive to be certain beyond all question: If Congress should either apply the \$15,500,000 received from England to the purposes of the Treasury, or make a different distribution of the funds from that provided by the treaty and the award of the Geneva tribunal, a fatal blow is given to arbitration. No civilized power will ever make a treaty with the United States, dishonored as they will be by the greatest breach of trust recorded in history.

I ask also to publish with my remarks a most learned and able article from the London Economist, called out by this bill, entirely impartial and independent, showing how the action of this House in disregarding the claims allowed at Geneva, if it shall formally be sanctioned by law, will tend to bring discredit on international arbitration and destroy it forever.

THE CLAIMANTS OF THE ALABAMA INDEMNITY.

[From the London Economist, May 30.]

It may be thought that we in England, having paid over to the American Government, in liquidation of the Alabama claims, the money for which the Geneva tribunal adjudged us to be responsible, have no concern in the disposition of the fund among the persons on whose behalf the authorities at Washington made their demand against us. Nor would the mere delay that has taken place in the distribution of the indemnity justify us in being curious or critical about such purely domestic matters of administration and account in a foreign country. But all the circumstances surrounding and prolonging the delay have a significance that we ought not to neglect. In the first place, the controversies arising out of the business in the United States, involve admissions that throw much light—though now only the light of speculative interest—on the history of the Alabama claims, of the negotiations about them, and of the award of the arbitrators at Geneva. But, moreover, they raise questions of public law and constitutional practice of the very gravest kind.

Whether international arbitrations are or are not likely to be accepted in the future as a convenient and humane method of settling quarrels between contending countries, it is easy to conceive that the custom of arranging disputes by the payment of pecuniary indemnities will become even more common than it has been. In most cases such indemnities will be paid to the Government claiming to be aggrieved, not on account of the nation it represents, but on account of certain classes or individuals marked out from the rest of the community as special sufferers by the wrong, and therefore specially entitled to indemnification. The extent to which the nation receiving the indemnity, without an express charge of trust, becomes by implication a trustee for the classes or individuals having a special claim, is a point that, we should say, ought to be very easily determined; but in the United States it has been seriously brought into question, and the doubts thrown upon what we have been accustomed to consider the broad and plainly marked path of public honesty may hereafter mislead other countries where popular pressure or political intrigue may henceforth offer temptations for going wrong.

The tribunal of Geneva refused to take cognizance of two classes of claims presented by the American Government; it declined to award anything to the United States on the score of national injury, or to make any indemnification of individuals for indirect or consequential damages. There remained, therefore, to be compensated by England simply the direct losses suffered by certain individual ship-owners in the United States, whose vessels were captured by the cruisers in the operations of which this country was held to be implicated, and by certain insurance companies that had become liable for the value of other captured vessels. It is plain that any painstaking tribunal could easily determine what claims coming under these two categories were valid and the precise amount of them. If the Geneva arbitrators had exercised the discretions granted to them by the treaty of Washington, and had ascertained by the aid of assessors the actual amount of the direct claims, the present disputes and delays would never have disturbed the United States. But the arbitrators thought it easier, and withal more complimentary to the American character, to award a lump sum; and accordingly a sum was awarded which, though paid with promptitude and without remonstrance by our government, was generally thought in England to be in excess of the just measure of damages due upon that part of the American demand that was admitted by the tribunal.

It is now urged on all sides in the United States—by those who advocate the strict distribution of the fund, as well as those who contend that it should be more "liberally" dealt with—that the amount of the indemnity does exceed the amount of any direct claims that can possibly be proved, though it is needless to say that there is no suggestion anywhere that the surplus should be paid back into the British exchequer. If, however, the American Government had desired to avoid any trouble, as well as any appearance of unfairness in dealing with the money handed over by our Government, it was easy to send the direct claimants before the ordinary courts of the Union, which would have settled each claim according to established principles of law; and when all the claims so disposed of had been paid out of the indemnity, if there had remained a surplus—and of this there seems to be no doubt—Congress, if it disdained the too chivalrous honesty of returning it to England, might have proceeded to legislate for the application of the balance to some purpose at least analogous to the avowed object of the award. But in the present moral condition of American politics, the temptation to get the control of a large sum of money with which public opinion may be dragged or muddled, is almost irresistible with the persons who are now all-powerful in Congress.

For two years the matter has been held in abeyance, while a succession of bills have been introduced, both in the Senate and the House of Representatives, prescribing certain schemes for distributing the money, and the Judiciary Committee of the House has bewildered itself with an infinitude of irrelevant arguments. The result is that the claimants, even those whose rights are perfectly clear, have not yet touched a penny of the money paid out of English pockets in compensation of the losses they suffered more than ten years ago. The money lies in the Treasury at Washington, and some politicians profess themselves already in favor of leaving it there to relieve the general taxation of the Union. Others, repudiating this suggestion, are laboring to set aside as many as possible of the direct claimants, in order to give a share in the distribution to classes and individuals whose alleged rights, after a careful hearing, the tribunal at Geneva declined to admit.

The ship-owners, who refused to insure their vessels at war rates when the rebellion broke out, relying on the power of the United States Government to exact compensation for losses, if any should happen, are indisputably entitled to indemnification out of the money paid by England. Even General BUTLER does not contest this; but while Congress is squabbling about the disposition of the very large surplus that will certainly remain after all such claims have been paid, they are very unfairly kept out of their money. Again, the claims of the insurance companies which have paid the losses of ships captured by the Alabama and her consorts, are manifestly within the scope of the award; and though a doubt may arise whether the premiums paid by the owners of these vessels come under the head of direct or indirect damages, this point is one which need not be determined till the insurance companies, who have clearly a first charge, have been paid.

The losses of ship-owners who sold their vessels on the outbreak of the war, and those incurred by the payment of heavy war premiums on vessels not captured, come under the head of consequential damages. Of course there is no objection that, after the direct claims have been paid, the United States Government, if it should not see fit to return the surplus to England, of which we have no expectation whatever, should apply the balance in spite of the arbitrators' decision, to the compensation of the indirect claimants, or even of other sufferers by the war who have no relation to the British indemnity at all. The award does not seem to have restrained the United States, at least in express terms, from doing something of this kind; but it did distinctly constitute the payment of the direct claims a trust upon the fund, which should, in simple honesty, take precedence of every other charge this Congress may choose to make upon the indemnity. The utterly irrelevant and inequitable argument that General BUTLER and others of the demagogic faction are raising against the claims of the insurance companies is a disgrace to the United States.

Specific losses have been suffered, and an international tribunal invested with the amplest powers has allocated a certain sum of money paid by a community responsible for particular acts to the compensation of those losses. But General BUTLER and his allies demand that they shall be allowed to investigate the whole business career of the sufferers during the period within which the losses took place,

with the object of ascertaining whether damage in one way was not redressed by gain in another way, though the gain may have no relation whatever to the cause of the damage. The insurance companies naturally decline to open their books to such an investigation; and, indeed, the whole mercantile community of the United States denounce the pretension as monstrous. But there is a large and noisy class who are interested in cutting down the legitimate claims as much as possible, in order that a large balance may be left for illegitimate claimants. Meantime, not only the insurance companies, but the uninsured ship-owners remain without a penny of the compensation that was paid over by England so long ago.

RIVER AND HARBOR APPROPRIATION BILL.

On motion of Mr. SAWYER, by unanimous consent, the House took from the Speaker's table the amendments of the Senate to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, and the same were referred to the Committee on Claims.

GENEVA AWARD.

Mr. E. R. HOAR. It was my hope that this Congress would be able to pass a bill at this session making a final disposition of the Geneva award. I think that our position before the civilized world required it if possible. It is not proved to be possible or practicable to reconcile conflicting views. When that was ascertained in the committee of conference I went to those gentlemen and begged them for the honor of the country, for the honor of this Congress at least, to report a measure that would provide for the payment of the undisputed claimants upon the fund, so that this Congress should not go by and leave them unpaid, and leave the rest to be considered in the next Congress without prejudice to the rights of any man.

Now I do not believe that any considerable proportion of this Congress or of the people of this country sympathizes with the views of the gentleman from Wisconsin, [Mr. ELDREDGE,] and I do not propose to take up any time in referring to them. But I do think there is a strong feeling that the undisputed claimants should be paid at once, and when it goes upon the record by the avowal of every member of the committee that the purpose of this is to leave without prejudice every other claim, I cannot see that the objection of the gentleman from New York [Mr. TREMAIN] is important. I therefore hope that without any further consideration of the statements made on the one side or the other about the equities of the particular claims that we cannot now discuss and come to any agreement upon in this Congress, we shall pass this conference report with substantial unanimity.

Mr. POLAND. I understand the gentleman from Massachusetts [Mr. E. R. HOAR] to say that he understands that other claims except those provided by this conference report are left to stand—

Mr. E. R. HOAR. Without prejudice.

Mr. POLAND. There I think the gentleman is entirely mistaken.

Mr. E. R. HOAR. Will the gentleman allow me to say that I asked that specific question fifteen minutes ago of the chairman of the committee, and he answered me categorically in the affirmative.

Mr. POLAND. The report expressly provides that claims of insurance companies shall not be paid.

Mr. BUTLER, of Massachusetts. At this time.

Mr. E. R. HOAR. But they stand like all others to come before a future Congress for adjudication.

Mr. POLAND. I think the gentleman is very much mistaken, whatever the chairman of the committee may have said.

Mr. BUTLER, of Massachusetts. I will read the words from the report.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in courts of the United States who have or may become insane while in prison, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRELINGHUYSEN, Mr. WRIGHT, and Mr. STEVENSON, conferees on the part of the Senate.

The message further announced that the Senate had passed without amendment the joint resolution (H. R. No. 59) amending joint resolution of April 16, 1872, relating to a statue of the late Admiral Farragut.

GENEVA AWARD.

The House resumed consideration of the report of the committee of conference on the bill in relation to the Geneva award.

Mr. POLAND. I ask the gentleman from Massachusetts [Mr. BUTLER] to yield to me for one or two moments.

Mr. BUTLER, of Massachusetts. I yield to the gentleman.

Mr. POLAND. The gentleman from New York, [Mr. POTTER,] who was a member of the conference committee, being obliged to leave, gave me a written statement as his views, which he desired me to present to the House. I ask the Clerk to read the gentleman's letter. The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 20, 1874.

MY DEAR SIR: The United States claimed that Great Britain had been remiss in the discharge of her duties as a neutral. For injuries thus occasioned our citizens had no remedy against Great Britain; but they had a right. Their claims together with the claims of other citizens for enhanced premiums and certain national claims were presented by our Government to Great Britain. They were subsequently by treaty submitted to the tribunal at Geneva. That tribunal decided in terms against all the national claims and against all the private claims except only the vessels

destroyed by the Alabama, Florida, and Shenandoah after Melbourne. These vessels were ninety-four in number. Their value, and that of their cargoes and earned freight, &c., was estimated by the tribunal, including interest at over \$15,400,000.

The fund paid in pursuance of this award seems to me, therefore, to be held "in trust" (as the Supreme Court in Vasse's case said) for the persons interested in those vessels; and I have accordingly not felt at liberty to join in any report which either debarrated those interested in those vessels from getting their share of this award, or which distributed the money to any person whom the tribunal declared not entitled to it.

I am compelled to leave to-night, and as you and I have been in entire accord in the Judiciary Committee on this question, I now write you that you may make such representation to the House in respect of my action on the conference committee as you may see proper in my absence.

I remain, dear sir, truly yours,

CLARKSON N. POTTER.

Hon. LUKE P. POLAND.

Mr. POLAND. As Mr. POTTER says in that letter, we got pay from England for ninety-four vessels and cargoes. The value of these vessels and cargoes was figured up and made the basis of the Geneva award. This bill as it is left by the conference report provides that all the owners of those ninety-four vessels shall be paid, deducting what they have received from insurance companies. Now we got pay for the ninety-four vessels at their full value.

Mr. ELDREDGE. The gentleman will have difficulty in finding any table or any adjudication that will show the precise sum of \$15,500,000, or that it is based upon any specific claims.

Mr. POLAND. I cannot yield. This statement of the gentleman from New York [Mr. POTTER] is absolutely true. Now, we say that the owners of these ninety-four vessels and cargoes shall get their money, deducting such sums as they have received from insurance companies. Who shall have the balance? We have it. It seems the plainest statement in the world. I would agree with the gentleman from Massachusetts [Mr. E. R. HOAR] who has just spoken, that if this matter was left entirely free and open so that insurance companies could come before Congress, or come before a tribunal and stand unbiased and unprejudiced with the war premiums and the owners of vessels destroyed by the other rebel cruisers—I would agree with him that to the extent to which this bill now goes by the report of the conference committee it would be better to pay it out of the fund to the claimants who we all agree are entitled to it. But I tell the House and I tell the gentleman from Massachusetts [Mr. E. R. HOAR] that this bill as these gentlemen have left it absolutely forbids any payment to insurance companies. To be sure we may hereafter repeal this law which we are now enacting and agree to pay the insurance companies; but when the gentleman from Massachusetts and the gentleman from Maine say that they have left all claims of insurance companies to stand for the unprejudiced action of some future Congress, they make a statement that is entirely different from my construction of the bill which they present.

Mr. KELLOGG. I desire to ask the gentleman from Vermont a question.

Mr. BUTLER, of Massachusetts. I cannot yield further.

Mr. POLAND. I ask the gentleman to yield to me for just one word more. Our conference committee went to the Senate and they came back shorn. They have absolutely abandoned the entire House bill. What remains here is the Senate bill. The Senate bill has a great deal less of abomination in it than ours had. To that extent I commend the efforts of these gentlemen.

We had one thing in the bill that was not in the Senate bill, and which was abandoned by the conference committee, which was not a good thing. It provided that each claim should go before one of the organized and established legal tribunals of the country. The Senate provided for one of these three-cornered commissioned courts.

Mr. BUTLER, of Massachusetts. O, no; five-cornered.

Mr. POLAND. I have always been a little jealous of special tribunals to decide questions of right between men. I think myself that the regularly organized legal tribunals of the country are the proper tribunals to decide disputed cases that may arise; they are far cheaper, they are far more likely to arrive at the truth when facts are in dispute, and far more likely to decide the law correctly, and the whole is more uniform and honest.

Mr. Speaker, I have such strong objection to the report of the committee of conference that I cannot vote for it. It is true that so far as the bill provides for the paying out of the money now, it provides for paying only to the men who all agree are entitled to it under the Geneva award. In that respect it goes absolutely against the doctrine of the report of the gentleman from Massachusetts, that this was the money of the nation. The committee have agreed as far as they go that the money due to individuals under that award shall be paid to them. The legitimate result and consequence of going as far as the conference report proposes must be that the insurance companies have the money they paid for the vessels which were included in the award. If I did not fear that this bill would be claimed as barring insurance companies hereafter, I would not object to it.

Mr. BUTLER, of Massachusetts. I will now yield for one minute to the gentleman from Kentucky, [Mr. BECK,] and then I shall ask the previous question upon agreeing to the report.

Mr. BECK. I desire to say a word only. When this question was up in the last Congress I then opposed the bill that finally passed the House. I believed then, and I believe now, that this Congress is obliged, certainly good faith and national honor require us, to distribute this money among the owners of the ships that were destroyed by the Alabama, Florida, and the Shenandoah, or to the persons who,

by payment for losses, are subrogated to their rights. I believe that we hold the money in trust for them, and that we have no more right to keep it in the Treasury of the United States and apply it to general use, than would an executor, guardian, or trustee have the right to pocket the money of his *cestui que trusts*. The Government presented these claims against Great Britain because individuals under our Constitution cannot deal with foreign nations. They had to apply to the Government as their agent and representative to do so, and having so applied—the United States having withdrawn its own claims as a government, indeed the arbitrators having refused to act until we did so—the money evidently belongs to the individual claimants, and for one I would rather see it sunk to the bottom of the Atlantic Ocean than to see it appropriated by the Government of the United States for the common use of the people. Upon this question I differ totally with my friend from Wisconsin, [Mr. ELDREDGE,] and I think that when he comes to examine the question he will agree with me, that we cannot with honor use the money for any other purpose than to pay these individual claimants who represent the ninety-odd ships destroyed by the Alabama, Florida, and Shenandoah. I believe, whether it is equitable or inequitable, that these insurers, who were by law as well established as the common law itself subrogated to the rights of others, are obliged to come in for their share of the distribution. I am sorry that it is so, but I bow to the law as the courts expound it. It was so decided under the Spanish treaty, under the old Danish treaty, and in the French spoliation cases. What are the facts? England did us no damage—so the arbitrators decided—except what she did by her negligence in allowing the three ships I have named to go out from her ports upon the high seas as confederate cruisers, and it is the persons who were injured by the acts of those ships that alone ought to share in the money which the arbitrators award. It is England's money we are now disposing of, *not ours*. Those injured by her, and none others, are entitled to it. She has the right to have wrongs done by her satisfied out of her money.

Mr. Speaker, I have read the debate upon this subject very carefully, and I want to say to the House that the argument made by the distinguished Senator from Ohio [Mr. THURMAN] upon this question the other day never has been and never can be answered. I agree with him, and am proud of it, as the bold, manly utterances of a great democratic lawyer and Senator. Sir, Congress is called upon to act as judge in the consideration of these claims, and I do not know of any more unfit set of judges to decide upon such questions. I prefer that the question should be transferred to the courts, who can decide upon these cases according to their merit.

Mr. BUTLER, of Massachusetts. I desire to say but a single word, and then I will call the previous question and ask for a vote. I agree as a matter of course, upon the premises taken, that the argument that there is subrogation of rights of insurance companies is unanswerable. But we are here to make laws, to put the law as it ought to be. And we are putting the law now as it ought to be; or rather we did in the House bill. But the present bill does not do anything of the sort. We leave that as an adjourned question. I want to put in only one caveat. It is said that we have agreed that the insurance companies shall come in here unprejudiced. I cannot agree to that. They came in here unprejudiced by this report; but they never will come in here with a claim to get paid twice without a great deal of prejudice against them.

Mr. DAWES. I desire to say a single word. There are some things in this report that perhaps I would make different if I could. But I agree that the importance of distributing this award is so great that we ought to yield minor matters of detail; every dollar of it that can be distributed justly ought not to stay an hour in the Treasury or in our possession merely because we cannot distribute the whole of it. I agree that it is most desirable that we should dispose of the whole of it now, and I for one would prefer to do it through the courts. But if that cannot be done, I have confidence enough in any tribunal that will be created to distribute the whole of it, if that is possible, and if not, to distribute as far as we can. But this report is going thus far right, and I shall vote for it, although I should prefer that the whole of this award should be distributed to those who in equity and justice have a right to it. A reproach hangs over this Government for holding for seventy long years the French spoliation award, and the money we have received by treaty stipulations, and which we stipulated to pay to the parties to whom it belongs, and which money we hold in the Treasury because we have the power to hold it. That is a reproach to which we should not add that of keeping the Geneva award or one dollar of it one hour beyond the time we can distribute it.

Mr. BUTLER, of Massachusetts. I now call the previous question. The previous question was seconded and the main question ordered; and under the operation thereof, the report of the committee of conference was agreed to.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MOIETIES.

Mr. FOSTER. The Senate has returned with an amendment House bill No. 3256, to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive,

and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes. The amendment is to strike out the third section of the bill. I move the amendment be concurred in.

The motion was agreed to.

Mr. FOSTER moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTION OF PRESIDENT AND VICE-PRESIDENT BY THE PEOPLE.

Mr. SMITH, of New York, from the Committee on Elections, reported a joint resolution (H. R. No. 116) proposing an amendment to the Constitution in respect of the election of President and Vice-President; which was read a first and second time.

The joint resolution was read, as follows:

Resolved, &c., (two-thirds of each House concurring.) That the following article is hereby proposed as an amendment to the Constitution of the United States, and when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution.

ARTICLE —.

SECTION 1. The President and Vice-President shall be elected by a direct vote of the people in the manner following: Each State shall be divided into districts, equal in number to the number of Representatives to which the State may be entitled in the Congress, to be composed of contiguous territory, and to be as nearly equal in population as may be; and the person having the highest number of votes in each district for President shall receive the vote of that district, which shall count one presidential vote; and no voter in any State shall vote for candidates for President and Vice-President who are both citizens of the same State with himself.

SEC. 2. The person having the highest number of votes for President in a State shall receive two presidential votes from the State at large.

SEC. 3. The person having the highest number of presidential votes in the United States shall be President.

SEC. 4. If two persons have the same number of votes in any State, it being the highest number, they shall receive each one presidential vote from the State at large; and if more than two persons shall have the same number of votes in any State, it being the highest number, no presidential vote shall be counted from the State at large. If more persons than one shall have the same number of votes, it being the highest number, in any district, no presidential vote shall be counted from that district.

SEC. 5. The foregoing provisions shall apply to the Vice-President.

SEC. 6. The Congress shall have power to provide for holding and conducting all elections of President and Vice-President. The returns of such elections shall be made to the Supreme Court of the United States within thirty days after the election. Said court shall under such rules as may be prescribed by law, or by the court in the absence of law, determine any contest in respect of such returns, canvass the same, and declare within ninety days after such election by public proclamation who is elected President and who is elected Vice-President.

SEC. 7. The States shall be divided into districts by the Legislatures thereof; but the Congress may at any time by law make or alter the same.

SEC. 8. No person who has been a justice of the Supreme Court shall be eligible to the office of President.

Mr. SMITH, of New York. I move that the joint resolution with the accompanying report be printed and recommitted to the Committee on Elections.

The motion was agreed to.

Mr. SMITH, of New York. I ask consent that the Committee on Elections have leave to report this joint resolution at any time during the next session.

Mr. ELDREDGE. I object.

ELECTION CONTEST—BELL VS. SNYDER.

Mr. SMITH, of New York. I ask consent to report from the Committee on Elections for consideration at this time the following resolution:

Resolved, That the contestant, M. S. Bell, in the contested-election case from the second congressional district of Arkansas, be allowed thirty days after the adjournment of the present session of the Forty-third Congress, without further amending his notice of contest, to take further testimony in reference to the vote of Hempstead and Hot Springs Counties; and the contestee, O. P. Snyder, shall have twenty days after the expiration of the said thirty days allowed the contestant to take testimony by rebuttal in relation to the vote in said two counties, this testimony to be taken on ten days' notice served on the parties respectively.

Mr. TODD. I object.

THREE SIXTY-FIVE BONDS.

Mr. KELLEY. I ask consent to submit the following resolution for consideration at this time:

Resolved, That the House will immediately after the morning hour of Tuesday, the 8th of December, go into Committee of the Whole for the consideration of bill No. 539, being a bill for the issue of convertible bonds and the reduction of interest on the funded debt.

Mr. KELLOGG. I object; there is a special order for the reorganization of the Treasury Department which will come up at that time.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes.

Mr. PENDLETON, from the same committee, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 669) referring the petition and papers in the case of

Robert M. and Stephen A. Douglas, in so far as the same relate to cotton seized, to the Court of Claims.

MISCELLANEOUS APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate to the sundry civil appropriation bill.

The thirteenth amendment was read, as follows:

On page 12 of the printed bill insert the following as a new paragraph:

That the salary of the special policeman in the office of the Secretary of the Senate shall hereafter be \$1,296; and a sum sufficient to pay the increase hereby made be, and the same is hereby, appropriated.

The Committee on Appropriations recommended concurrence in the Senate amendment with an amendment adding thereto the following:

And the salaries of the assistant disbursing clerk and the clerk of the Committee on Appropriations of the House are hereby fixed at the same rate as that of the assistant Journal clerk; and a sufficient sum to meet the increase is hereby appropriated.

For folding documents for the House of Representatives, \$50,000.

For extra stenographic reporting for committees of investigation of the House of Representatives for the first session of the Forty-third Congress, \$6,000, or so much thereof as may be necessary, to be audited and paid under the direction of the House Committee on Accounts.

Mr. WILLARD, of Vermont. I would inquire of the Chair whether it is in order to amend the Senate amendment by putting on it an appropriation for the folding-room of the House? There is nothing in the Senate amendment touching that subject.

Mr. GARFIELD. I desire to call the attention of the House to the several subjects embraced in this amendment. Let the point of order be reserved.

Mr. WILLARD, of Vermont. Very well; I reserve the point of order.

Mr. GARFIELD. The amendment reported by the Committee on Appropriations to be attached to this amendment of the Senate brings the House face to face to some of its own work and some that is not its own work. Two or three days ago, without my knowing it at all until it was done, (and I suppose the same is true of a great many other gentlemen,) a resolution was passed *sub silentio* increasing the pay of one of the clerks in the Clerk's office of this House to \$3,000, and directing the Committee on Appropriations to make provision for it on an appropriation bill. Thus there came to the Committee on Appropriations from the House a resolution mandatory in its character, requiring us to single out one clerk in the office of the Clerk of the House and raise his pay to \$3,000. Now, because we raised the pay of five clerks here in the House there is further on in the bill a proposition from the Senate to increase the pay of twelve clerks in that body so as to correspond exactly.

Now the Committee on Appropriations desire to say that for the clerk of such a committee as that on appropriations, who has been employed every secular day except four since this session began and has worked a large number of nights, to be left with \$2,500 while a group of clerks who work only during the session of Congress are to be put \$500 above him, is an inequity that we desire not to have continue. We therefore submit this amendment for the consideration of the House. My own opinion is that the whole provision ought to go out; but the Committee on Appropriations is bound to obey the order of the House and to report this addition. If you select one of the assistants in the Clerk's office to receive an increase of pay, why not also take, in the next room, those who are in charge of enrolling bills, and who work for hours at night when the other officers of the House have no work at all.

There is another amendment to which I wish to call attention. We have recommended an appropriation of \$50,000 to pay for the folding of documents. We do this upon a letter from the Door-keeper calling our attention to the fact that since our bill embracing the appropriation for the folding of documents passed and became a law the House and Senate have agreed to print the Agricultural Reports for two years, which when we made the former appropriation for folding had not been ordered to be printed. To print all these additional documents will render necessary a very large amount of folding.

Mr. SMITH, of Ohio. What number of those Agricultural Reports has been ordered to be printed?

Mr. GARFIELD. So many as \$50,000, the sum which we appropriated, will publish, the type being already set and the work having thus far gone on. But we have not a dollar appropriated for folding those reports. In addition to that we have appropriated \$60,000 for publishing the Surgical History of the War. Besides that, a large number of other documents have been ordered to be printed; and if the report that has been made up on a conference upon the post-office appropriation bill should go through, the postage on no public document can be higher than ten cents, and the CONGRESSIONAL RECORD will be subjected merely to the rate of newspaper postage, one and one-half cents a pound; so that members will be able to send at that rate tons of speeches printed in the RECORD. Now, all these must be folded; and if we should stand by the legislation which seems in the main to have passed both Houses we must make an appropriation of about the amount now reported for the folding of documents. This work requires, of course, the employment of folders and the payment of their salaries, in addition to the cost of printing. If this \$50,000 be appropriated the appropriation for the folding-room will still be \$25,000 less than we appropriated last year.

Mr. KASSON. I wish to ask the gentleman from Ohio [Mr. GARFIELD] whether the documents to which he refers will be in the folding-room in time to be folded during the coming recess?

Mr. GARFIELD. Yes, sir.

Mr. KASSON. Not the Surgical History?

Mr. GARFIELD. No, sir; but the others will. The Agricultural Report is already in type; the force will be set to work upon it probably as soon as we get away.

Mr. KASSON. Let me ask the gentleman one other question. Does he propose to fix salaries of officers by reference, as is proposed in this amendment? I think I have heard him condemn the practice of making one officer's salary the same as some other officer's, without designating the amount. If that amendment is to be adopted, I wish the figures inserted so that we may know exactly what the amount is.

Mr. GARFIELD. Well, \$3,000 can be inserted.

There is one other amendment to which I wish to call attention. The Committee on Rules have directed me to offer to the House the last clause of this amendment, providing for paying, under the direction of the Committee on Accounts—

Mr. BUFFINTON. Not at all.

Mr. GARFIELD. Why does the gentleman say "not at all?"

Mr. BUFFINTON. Because there is no money to pay that account, and we do not ask to have any appropriated.

Mr. GARFIELD. The gentleman from Massachusetts [Mr. BUFFINTON] does not traverse anything that I am saying. I say that the Committee on Rules, not the Committee on Accounts, have instructed me to move an appropriation of \$6,000, or so much thereof as may be necessary, to pay the cost of extra stenographic reporting of investigating committees which has been done by order of the House this session. Those items are in the amendment. I hope the House will strike out the provision for increase of salary; and I say that against the clerk of the Committee on Appropriations who as much deserves increase of salary as any other officer in the Capitol. When by a kind of quiet, silent arrangement a resolution is shoved through the House making it mandatory on the Committee on Appropriations to report this increase of salary, while I will as chairman of that committee loyally obey the order of the House, yet as an individual member of the House, I ask it now to undo its own mischief. I have done my duty as chairman of the committee in reporting it, but I ask personally that the amendment be rejected in that regard. In relation to the provision for folding documents and for extra stenographic reporting, I suppose we will have to agree to that.

Mr. WILLARD, of Vermont. Some time ago I made a parliamentary inquiry. The thirteenth amendment of the Senate is one in reference to a special policeman in the office of the Secretary of the Senate. What I wish to know is how far these matters, which do not at all relate to that provision for a policeman, can be inserted as an amendment in this House. I make the point of order that this amendment is entirely out of order. Neither the clause for increase of salary, nor that in relation to the folding of documents, nor that in relation to stenographic reporting is at all germane to the Senate amendment.

The SPEAKER. Does the gentleman raise the point of order that the amendment is not germane to the Senate amendment?

Mr. WILLARD, of Vermont. I do.

The SPEAKER. The Chair cannot see how he can do otherwise than sustain the point of order. It can come in therefore only by a suspension of the rules.

Mr. GARFIELD. The amendment of the Senate relates to an officer of the Senate. I think it has been customary, on a bill between the two Houses, that an amendment relating to the officer of one could be amended by a provision relating to an officer of either of the Houses.

Mr. WILLARD, of Vermont. But there is also here an appropriation for folding documents.

Mr. GARFIELD. The appropriation for folding documents perhaps will not be germane.

The SPEAKER. That is what the gentleman makes his point of order on.

Mr. GARFIELD. I thought he made it on the whole amendment.

The SPEAKER. The other part the Chair would rule to be in order.

Mr. WILLARD, of Vermont. I wish to say a word.

The SPEAKER. If the gentleman insists on his point of order the amendment is not before the House.

Mr. WILLARD, of Vermont. I do insist on my point of order in relation to the appropriation for the folding-room.

The SPEAKER. The Chair sustains the point of order.

Mr. KASSON. I ask the amendment be reported.

Mr. HAWLEY, of Illinois. I move to strike out the whole amendment.

The amendment of the Senate was again read, as well as the amendment moved by the Committee on Appropriations.

The SPEAKER. The Chair rules the amendment to the amendment to be in order, excepting that part relating to the folding of documents, which is ruled out.

Mr. DAWES. Is it in order to add to the amendment providing for a clerk to the Committee on Ways and Means?

The SPEAKER. It is, as that is an amendment only in the third degree.

Mr. DAWES. I do not wish to antagonize any motion to strike out, but I do not know why the clerk of the Committee on Ways and Means should be left out when he has so much to do. If the House decline to strike out, I will then move to include the clerk of the Committee on Ways and Means.

The SPEAKER. It is in order now.

Mr. RANDALL. I wish to say a word on the motion to strike out.

Mr. DAWES. I move to include the clerk of the Committee on Ways and Means.

The motion was agreed to.

Mr. KELLOGG. If it be in order, I wish to move an amendment in regard to another clerk.

The SPEAKER. It is in order if the gentleman from Ohio leaves it open to amendment.

Mr. KELLOGG. I move to include the clerk of the Committee on War Claims at \$2,500. He has to remain here the year through, and that salary is what the committee of the House agreed he should have. I move that amendment.

Mr. GARFIELD. I now call the previous question.

The previous question was seconded and the main question ordered.

Mr. RANDALL. There is a principle to my mind involved in the Senate amendment. The Constitution of the United States gives to each House the control of its own officers, and following that each House has the right to settle what the pay of its officers shall be. It is hardly fair that we should load down with amendments the Senate amendment which merely relates to its own officers. I should have liked therefore that there had been separate amendments. For I have always said here and in committees of conference on legislative appropriation bills that each House had the right to fix the salaries of its own officers. Now, while I demand that right for this House I am at the same time consistently willing to give it to the Senate. Therefore I think the Senate amendment No. 13 as it stands should be adopted.

Mr. GARFIELD. I move the previous question and call for a vote.

The previous question was seconded and the main question ordered.

The SPEAKER. The first question is on the amendment of the gentleman from Connecticut [Mr. KELLOGG] to appropriate \$2,500 as salary to the clerk of the Committee on War Claims.

The amendment was not agreed to.

The SPEAKER. The question is next on striking out the amendment which the Clerk will read.

The Clerk read as follows:

And the salaries of the assistant disbursing clerk, and the clerks of the Committees on Appropriations and Ways and Means of the House are hereby fixed at the same rate as that of the assistant Journal clerk, and a sufficient sum to meet the increase is hereby appropriated.

Mr. SPEER. Does not negating that carry with it the amendment of the Senate also?

The SPEAKER. O, no; this amendment which it is proposed to strike out is to amend the Senate amendment by adding these words to it.

Mr. SPEER. Then the vote on the Senate amendment will come afterward?

The SPEAKER. Yes.

The question being taken on striking out the words just read, it was decided in the affirmative; and the words were stricken out.

The SPEAKER. The question is next on adding to the Senate amendment the words which the Clerk will read.

The Clerk read as follows:

For extra stenographic reporting for committees of investigation for the House of Representatives for the first session of the Forty-first Congress, \$6,000, or so much thereof as may be necessary, to be audited and paid under the direction of the House Committee on Accounts.

Mr. SPEER. I desire to say a word upon this. It appears that for the reporting done for the Committee on Expenditures in the Department of Justice a bill has been presented for over \$500. The gentleman who did that work of course should be paid; but it was my understanding that there were reporters here employed by the year and paid for doing that work. When I asked where were the reporters who should do that work I was told that one of them had leave of absence from the House. It appears that he had leave of absence from service but not from drawing his pay, so that if this amendment prevails we shall be paying two persons for doing this work.

Mr. RANDALL. I think I can answer the gentleman satisfactorily. In the first place, he will agree with me that those reporters who have done the work should be paid.

Mr. SPEER. I do.

Mr. RANDALL. Therefore whether the manner in which the work was done was regular or irregular, and I think it was irregular, the parties who actually performed the work ought to be paid. This appropriation of \$6,000 is absolutely necessary to pay these reporters who did the work. As to the pay of the absent man the Committee on Rules will report a change of rule that will in the future correct this matter, making the salaries of the officers so much each year, and providing that the two officers for the salaries thus paid shall meet every expense for the reporting of committees.

The question being taken on the amendment to the Senate amendment, it was agreed to.

The SPEAKER. The question is, will the House agree to the thirteenth amendment of the Senate as thus amended?

Mr. FORT. I desire to submit an amendment to appropriate \$25,000 for folding the Agricultural Report. I understand it was ruled out just now on a point of order. Would it be in order to move to suspend the rules and make that appropriation?

The SPEAKER. The Chair will submit that motion when this amendment is disposed of.

The question being taken on concurring in the Senate amendment, with the amendment adopted by the House, it was decided in the affirmative, ayes 83, noes not counted.

So the amendment of the Senate, as amended, was concurred in.

Mr. FORT. I move that the rules be suspended, and that the following amendment be adopted:

To pay to the Door-keeper, for the folding of the Agricultural Report, \$25,000, or so much thereof as may be necessary.

Mr. WILLARD, of Vermont. Let it be provided that none of the money shall be expended for any other purpose.

Mr. SPEER. These reports are printed, and ought to be folded.

Mr. PARKER, of Missouri. Would it be in order to move an amendment to the pending amendment?

The SPEAKER. It would not; the motion being for a suspension of the rules.

Mr. PARKER, of Missouri. I ask the gentleman to accept the words "and other documents."

Mr. FORT. I am urged by the gentlemen around me not to do that.

The question being taken on suspending the rules and agreeing to the amendment, there were ayes 121, noes not counted.

So (two-thirds having voted in the affirmative) the rules were suspended and the amendment was agreed to.

The fifteenth amendment of the Senate was read, as follows:

Add on line 290, page 13, the following:

And the Congressional Printer is directed to bid for the same at the estimated cost of performing the work.

The Committee on Appropriations recommended non-concurrence.

Mr. PLATT, of Virginia. I should like to know why the Committee on Appropriations recommend non-concurrence in this amendment; it seems to me to be a perfectly fair and proper one.

Mr. GARFIELD. The reason is this: We were compelled to choose between appropriating a large sum of money to publish our official Post-Office Directory or to authorize the Postmaster-General to make arrangements with some publishers to give them the work of publishing this directory quarterly on condition that the Government should take a certain number of copies. He has had offers from a number of publishing houses in the country and they say that for \$20,000 a year, with a contract for five years, they can furnish it quarterly. The theory is that there will be a sufficient number of persons interested in this work to desire copies of it who will become subscribers, and thus there will be a saving to the Government.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, 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. 732) supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes;"

An act (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery;

An act (H. R. No. 2246) relating to circuit courts of the United States for the districts of Alabama; and

An act (H. R. No. 3772) for the relief of John D. Young, of Kentucky.

Mr. DARRALL, from the same committee, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 828) for the relief of Alexander Henderson.

MISCELLANEOUS APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate to the sundry civil appropriation bill.

The seventeenth amendment of the Senate was read, as follows:

To enable the Joint Committee on the Library to purchase such works of art for ornamenting the Capitol as may be ordered and approved, \$15,000.

The Committee on Appropriations recommended non-concurrence.

Mr. GARFIELD. I will say in reference to that amendment that while we ought unquestionably to allow them some appropriation for this purpose, the amount named is too large.

The amendment was non-concurred in.

The twenty-second amendment of the Senate was read, as follows:

That of the unexpended balance of the appropriation made for the office of the Treasurer of the United States for the fiscal year ending with June 30, 1874, \$20,000, or so much thereof as may be required, for the payment of salaries of clerks, messengers, and laborers to do the necessary work of that office, may be used for the purpose aforesaid in the fiscal year ending with June 30, 1875: *Provided*, That no part of this amount shall be expended for payment of additional compensation to clerks or employés.

The Committee on Appropriations recommended concurrence in the amendments with amendments as follows:

Insert in line 274, page 16, before the word "clerks," the words "such additional temporary."

After the word "laborers," in the same line, strike out the words "to do the necessary" and insert in lieu thereof the words "as the Secretary of the Treasury may find necessary for the."

Mr. GARFIELD. The clause will then read as follows:

That of the unexpended balance of the appropriation made for the office of the Treasurer of the United States for the fiscal year ending with June 13, 1874, \$20,000, or so much thereof as may be required, for the payment of salaries of such additional temporary clerks, messengers, and laborers as the Secretary of the Treasury may find necessary for the work of that office, may be used for the purpose aforesaid, in the fiscal year ending with June 13, 1875: *Provided*, That no part of this amount shall be expended for payment of additional compensation to clerks or employes.

That leaves it to the Secretary of the Treasury to judge of the necessity of employing additional laborers, and does not make the action of the Treasurer independent of the Secretary.

Mr. SPEER. Ought not the proviso to be stricken out?

Mr. GARFIELD. No; we do not want to give additional compensation to anybody.

Mr. SPEER. Is not this additional compensation?

Mr. GARFIELD. It is not; it is for additional clerks which are made necessary by the currency bill that passed the other day, which requires 5 per cent. of the circulation of the national banks to be deposited here to redeem mutilated notes, and which requires the Treasury to assort and redeem them.

Mr. SPEER. Does not the first part of the paragraph provide for additional services?

Mr. GARFIELD. For additional services, but not for additional compensation to anybody.

Mr. SPEER. What law controls the Secretary in regard to the additional clerks?

Mr. GARFIELD. He can take them only under existing law.

Mr. KELLOGG. I want to ask the chairman of the Committee on Appropriations if his amendment will not necessitate the turning out of such regular clerks as are not provided for in the other bill?

Mr. GARFIELD. I hope so.

Mr. KELLOGG. We cut down the fourth-class clerks in the Treasury from twenty-eight to seventeen; we cut down the force 40 per cent., more than I thought was right. By the new currency bill we impose additional duties. I do not like the amendment of the gentleman from Ohio, [Mr. GARFIELD,] because it necessitates the turning out of good men who are experts and putting in other men.

Mr. GARFIELD. The Secretary can employ the same men if he wants.

Mr. KELLOGG. If that is the fact I care little about it.

The amendment, as amended, was concurred in.

The twenty-fourth amendment of the Senate was read, as follows:

To enable the Secretary of the Treasury to pay the proprietors of the New York Tribune, for advertising in said journal, the sum of \$839.10, or so much thereof as may be necessary, to be paid upon the audit of the proper accounting officers of the Treasury.

The Committee on Appropriations recommended non-concurrence.

Mr. RANDALL. That depends upon whether the money is due or not.

Mr. GARFIELD. Since the action of the committee I have received a letter from the Secretary of the Treasury saying that the money was due.

Mr. RANDALL. Then the amendment should be concurred in.

Mr. SPEER. Why has it not been paid, if due?

Mr. GARFIELD. The appropriation ran out.

The amendment of the Senate was concurred in.

The twenty-sixth amendment of the Senate was read, as follows:

To enable the Secretary of the Navy to complete the observations of the transit of Venus, in December, 1874, and to return the parties of observation to the United States, \$25,000, to be expended as provided by the act making appropriations for sundry civil expenses for the fiscal year ending June 30, 1874, approved March 3, 1873.

The Committee on Appropriations recommended non-concurrence.

Mr. CONGER. I hope this amendment will be concurred in. Congress last year appropriated an amount of money to enable the United States to join with other countries in placing observers at different stations in different parts of the world to observe the transit of Venus. Preparations have been made and the parties have all been selected and the instruments purchased. There is a deficiency in the appropriation of \$25,000, necessary to complete and carry out the work as planned and provided for by Congress and by the commission in charge.

The House may not be aware of the importance of this subject to our commerce and navigation, and to all the nautical interests of the world. All our almanacs, charts, and calculations for navigation are based upon the accuracy with which calculations are made in regard to the size of the earth and the determinations of latitude and longitude. In those charts which we now have are errors which have proved fatal to some of our vessels during past years, errors of ten or fifteen miles in some of the calculations and observations. The opportunities of observing the transit of Venus occur but twice within a period of about one hundred and twenty-five years. Two of these transits occur within eight years of each other, one in December next and one eight years afterward. The next opportunity after that will be in the year 2004. The whole commercial world is interested in obtaining careful and accurate observations of this transit at both of these periods, by means of which important errors may be corrected and our nautical charts improved and rendered more valuable to the entire commercial world.

Our Government has joined with all the other civilized nations in making preparations for this observation. If it is not made at the

two periods I have mentioned, next December and eight years from that time, then over one hundred years will elapse before another opportunity will be presented. There needs to be appropriated this additional \$25,000 to complete all the arrangements which have been made to enable our Government to join in this work and lead in these observations, and to gain to itself the honor and the distinction and the profit of correcting the nautical charts of all the seas of the world. I wonder the Committee on Appropriations have recommended that this amendment be non-concurred in. I doubt if they would have done so had they understood the importance of it to the entire commerce and navigation interests of the world.

The amendment of the Senate was concurred in.

The twenty-eighth amendment was read, as follows:

Insert as a new paragraph the following:

For the District of Columbia, the sum of \$1,300,000, to be expended by the commissioners of said District, and applied as follows: First to the payment of interest on the funded debt of said District, due July 1, 1874; secondly, to the payment of officers, employes, and laborers of the District, whether of the District proper or of the Board of Public Works; and the remainder to the current expenses of said District; all the above sums, except so much thereof as may be paid for interest as aforesaid, to be considered and adjusted hereafter as a part of the proper proportional sum to be paid by the United States toward the expenses of the government of the District of Columbia.

The Committee on Appropriations recommended concurrence in the Senate amendment, with an amendment inserting after the words "current expenses of said District" the following:

The money herein appropriated shall be drawn from the Treasury from time to time, as the same may be needed, and only upon detailed statements of amounts to be paid, and the persons to whom or on what account payable, to which statements shall be appended the certificate of such commissioners that they have carefully examined such accounts, and that they believe them to be just, and due to the respective claimants thereof. Copies of said statements, together with the report of all receipts and disbursements of said District government, shall be transmitted to the President, to be by him transmitted to Congress at the beginning of the next session.

Mr. SPEER. I wish to inquire first what amount is required to pay the interest on the funded debt of this District; and secondly, what amount is due to employes and laborers of the District; so that we may know how much of this \$1,300,000 will go to current expenses of the District?

Mr. GARFIELD. In regard to this amendment, the Committee on Appropriations called on the gentleman from Indiana, [Mr. WILSON,] chairman of the part of the House of the joint committee appointed to investigate affairs in the District of Columbia. In a long conference which we had with him he informed us that this action met with the unanimous approval of that committee in both branches. He told us that they had made this classification after a full examination of the whole case; that under the first head, for the payment of interest, some four or five hundred thousand dollars—he could not tell exactly the amount—would be required. As to the second head, I do not know nor did he know precisely what would be the amount of expenditure; but the object is to pay that class of employes to whom payment is due for services directly to the District government; in other words, all workmen who have worked directly for the government, not those who have been employed through the medium of contractors. The only question was whether we should go a step further and include the latter class. It was represented to us that there were some laborers or workmen who had served contractors who had had contracts with the District, and the desire was expressed that we should see that they were paid. The committee were, however, of opinion that Congress could not go to that extent. If a contractor with the Government, or with any officer of the Government, or with any officer of the District has received his pay from the Government or from the District, we could not go behind that settlement and appropriate money to pay the persons whom he employed.

Mr. MAYNARD. Could we not provide where contractors have not been paid in full that before they shall be paid the balance due to them it shall be ascertained that their workmen have been paid?

Mr. GARFIELD. Possibly we might do that.

Mr. MAYNARD. Would it not be just?

Mr. GARFIELD. It would very greatly complicate the accounts and disbursements to make an arrangement like that.

The gentleman from Pennsylvania [Mr. RANDALL] handed me this morning an amendment on this subject which he proposed to offer. Unfortunately I have mislaid it; and I ask that he may be permitted to offer that amendment.

I wish to say that the whole arrangement for the disbursement of whatever money is here appropriated is made definitely and specifically under the bill passed by both Houses on the recommendation of the Joint Investigating Committee upon District Affairs. I think that we had better not go into any special legislation about that matter. We have had a most careful report from the special committee on this subject, and I think it best that we should follow their recommendations. The Committee on Appropriations have, however, added to the amendment of the Senate what they think a very important protective clause, providing that this money shall not be paid over in a lump to the commissioners, but shall be paid on vouchers as presented to the proper accounting officers of the Treasury, and that the commissioners shall make full and detailed reports to Congress, at the beginning of the next session, of every payment they make under this appropriation and all other expenditures generally for the District.

Mr. MAYNARD. Will the gentleman tell us whether in the appro-

priations that have been made any money has been placed to the credit of these commissioners which they can handle themselves; or is the fund to be drawn upon by them on proper vouchers, leaving the money to be handled by somebody else?

Mr. GARFIELD. They can draw the money only on vouchers coming under these three heads, the third being for current expenses.

Mr. KASSON. On that very point I wish to inquire of the chairman of the committee whether he has accomplished the purpose of having payments made directly from the Treasury? I think not. I think this money is left to be drawn upon by the commissioners upon detailed statements. I do not believe, and I think the chairman of the committee does not believe, in the propriety or necessity of such an arrangement when the Treasury is right here at the capital. I would therefore suggest an amendment to insert the words "shall be paid only to the parties to whom the payments are due."

Mr. GARFIELD. I do not yield for that amendment; and I will state why. Under the third head, the current expenses, it would be utterly impossible for any body of commissioners to wait as to every small item of necessary current expenses until vouchers had been made up before they could pay the money. That would not do.

I am very sorry the gentleman from Indiana [Mr. WILSON] is not here. At our request the chairman of the Committee to Investigate the Affairs of the District of Columbia on the part of the House, the gentleman from Indiana, [Mr. WILSON,] drew the amendment very carefully, and in his judgment it will cover the case fully. We adopted it on his recommendation.

Mr. KASSON. In the bill reorganizing the government of the District of Columbia there is no clause which puts anybody under bonds as disbursing officer.

Mr. GARFIELD. These three commissioners are under bonds each to the amount of \$50,000.

Mr. KASSON. But this is a large appropriation.

Mr. GARFIELD. And \$50,000 is an unusually large amount of bond.

Mr. KASSON. Not for disbursing officers.

Mr. SPEER. I wish to know whether this refers to this class of indebtedness. It is known that a large number of contractors paid to their laborers these certificates of indebtedness. They were taken at from thirty to twenty cents below par. They may be held by laborers or by men calling themselves laborers, or they may be put by those who bought them at sixty or seventy cents in the hands of laborers. Is this to pay that class of indebtedness? A large body of these certificates of indebtedness was issued to contractors for work done in the city.

Mr. GARFIELD. That all depends upon the character of the law which we passed the other day for the reorganization of the District of Columbia.

Mr. SPEER. If it does they should only be paid what they gave for those certificates.

Mr. GARFIELD. The act we passed the other day required the interest to be paid shall be refunded out of the taxes from the District of Columbia hereafter. This is not a final expenditure out of the Treasury; it is only an advance. It is to be accounted for hereafter in any adjustment Congress may make next year as to the relative proportion.

Mr. WILSON, of Indiana. This seems to be an unhappy way of expressing it.

Mr. HALE, of Maine. This is an exception in favor of the Government. This interest is a cash fund.

Mr. GARFIELD. I demand the previous question.

Mr. COBURN. Does this mean contractors or persons directly in the employ of the District authorities?

Mr. GARFIELD. The latter is understood.

Mr. COBURN. This is not intended to pay contractors at all?

Mr. GARFIELD. I suppose they can pay contractors where they have done their work and their work has been accepted. That comes in under the general law where it provides for funding this debt.

Mr. KASSON. If the gentleman will allow me I will move to add that "all sums due to any party exceeding fifty dollars shall be paid only by checks on the Treasury issued directly to the party to whom the same is due." That leaves the smaller sums to be paid in money.

Mr. GARFIELD. That puts a large and onerous duty on these three men.

Mr. SPEER. Does it allow a majority or require the whole of them?

Mr. GARFIELD. I do not know what the general law is.

Mr. MERRIAM. The checks will be vouchers.

Mr. GARFIELD. Of course.

Mr. SPEER. What general law do you refer to?

Mr. GARFIELD. The law passed the other day creating this commission and stating what their duty is.

Mr. SPEER. That does not define the duty imposed by this bill upon them.

Mr. GARFIELD. Yes, it does. It tells how they shall disburse and how account for any money coming into their possession by Congress or from the District.

Mr. SPEER. Has it become a law?

Mr. GARFIELD. I believe it was signed yesterday. I ask we adopt this amendment with the understanding that the gentleman from

Pennsylvania [Mr. RANDALL] shall have the right to offer his amendment hereafter. He gave it to me but I mislaid it. On that condition I demand the previous question.

Mr. CANNON, of Illinois. Is it in order to move to strike out this whole section?

The SPEAKER. That will be in order if the previous question is not seconded.

Mr. COBURN. Before the previous question is seconded I ask the amendment be again reported.

Mr. CANNON, of Illinois. I wish to make a motion to strike out.

Mr. SPEER. Is the amendment of the gentleman from Iowa pending?

Mr. KASSON. I ask the gentleman from Ohio to have a vote on the proposition that a hundred dollars shall be paid directly on checks on the Treasury.

Mr. GARFIELD. I am willing to vote on that.

Mr. KASSON. I think it ought to be done. We have lost money already through Jay Cooke & Co. for want of such a provision as this. I send my amendment to the desk.

The Clerk read as follows:

Add to the amendment proposed by the Committee on Appropriations these words:

And all sums due to any party exceeding \$100 shall be paid only by check on the Treasury issued directly to the party to whom the same is due.

The previous question was seconded and the main question ordered.

The question being taken on Mr. KASSON's amendment to the amendment of the committee, it was agreed to.

The amendment proposed by the Committee on Appropriations, as amended, was agreed to.

The question was next on agreeing to the twenty-eighth amendment of the Senate with the amendment adopted by the House.

Mr. CANNON, of Illinois. I move to strike that out.

The SPEAKER. That is what is now to be submitted to the House in another form. The amendment is struck out if the House does not concur in it.

Mr. CANNON, of Illinois. Mr. Speaker, I am opposed to concurring in the Senate amendment for the following reasons: I do not believe it is good policy or good legislation to appropriate money for the District of Columbia until we know to a certainty the proportional share the United States ought to pay on account of Government property in the District. Why, sir, the Joint Select Committee to Inquire into the Affairs of the District of Columbia reported a few days ago and recommended legislation by which the United States should guarantee over \$3,000,000 of bonds to be exchanged for that amount of the non-funded indebtedness of the District. At the same time the committee tell us that such indebtedness was contracted by the District ring without authority of law and in the teeth of the act of Congress organizing the District government and that the same is void. Congress saw proper to pass the bill. At the same time the committee tell us this supposed indebtedness grew out of the rankest kind of jobbing and fraud, and instance one case where a contract was awarded for paving, to the amount of \$400,000, for the alleged procurement of which the contractors paid \$97,000. And this is the kind of indebtedness, at least in part, in exchange for which the holders are to receive bonds guaranteed by the Government!

But we are told that many innocent persons who have done work are the holders in part of this indebtedness. A sufficient reply to this is that all persons are chargeable with a knowledge of the law, and the rule everywhere is that if men become the creditors of a municipal corporation, the corporation having no power to contract the indebtedness, they have no remedy. But I am credibly informed that a large portion of this indebtedness has been bought up by speculators at forty and fifty cents to the dollar. They having full knowledge of the law in the premises and going into the speculation with their eyes open, with the intention of getting this or some other legislation—and no doubt some of them being the very persons who are responsible for the frauds committed in the teeth of the law—if I had my way they should never realize one cent from the venture. However, if there is no way to distinguish between these men who went in upon the ground floor and helped to rear this structure in the teeth of the law, having "fraud" written upon their foreheads so that "he who runs may read," I would at most only pay them what the work is reasonably worth, and in my opinion if they receive anything a commission should have been appointed to inquire what the work was reasonably worth, and only that amount paid. For that reason I voted against the bill offered by the joint committee a few days ago. On top of that legislation we are asked to appropriate \$1,300,000 more, a large portion of which is to go into the pockets of this ring of speculators in payment of interest on bonds and otherwise. I will not vote for it; I will not vote one dollar of appropriation for the District until the rights of the Government and of the property-holders in the District are settled, and when that is done I am willing the United States should pay according to the property owned by the Government in the District and not one cent more. And then the owners of personal as well as real estate in the District should pay taxes. It looks to me like this fraudulent indebtedness by this legislation is in effect about to be fastened upon the United States and upon the District; and I hope that in our anxiety to adjourn we shall not hastily pass this bill. We had better stay here indefinitely than to do so, and I give notice now that I shall call for a vote upon concurring

in this amendment, and appeal to members to give us a vote by the yeas and nays so a record can be made on the same.

Mr. GARFIELD. I rise to reply and yield my time to the chairman of the investigating committee.

Mr. FORT. Before the gentleman from Indiana proceeds, as I do not have the privilege of the floor, I desire merely to say that I indorse everything which my colleague [Mr. CANNON] has said.

Mr. GARFIELD. As we have had one volunteer speech after the previous question was seconded, I think it is only fair that there should be a response. I have therefore yielded to the gentleman from Indiana for that purpose.

Mr. WILSON, of Indiana. I only came upon the floor as the gentleman from Illinois [Mr. CANNON] was concluding his remarks; and not having heard his arguments against this particular section of the bill, as a matter of course it is impossible that I should be able to reply to them. I desire, however, to say in a word or two why I think and why the committee that have had this matter of the investigation into the affairs of the District thought that an appropriation of this kind should be made. If gentlemen have the report of the committee before them, they will find on page 27 a paragraph following a review of the financial situation of this District from which I will read a single sentence. And, by the way, I may remark here that there was a good deal of complaint made upon the floor the other day, when the other bill was before the House for its consideration, as to the rate of taxation that had been recommended to be imposed on the District for the current year. The committee make this remark in their report:

Thus, making the fullest allowance for taxes to be paid by July 1, there will be a deficiency at that time of \$1,000,000 at least.

It will be more than that—it will be more than \$1,000,000. Now taking into consideration the financial condition of this District, the committee came to the conclusion that the best thing that could be done and the thing that we ought to do would be to place this District on a cash basis once more, if possible; and in order to do that we proposed to levy upon the property, the real estate, of this District for the ensuing year, 3 per cent. on property in the city of Washington, 2½ per cent. in Georgetown, and 2 per cent. in the county outside of these two cities. But after doing all that we found there would be still more than \$1,000,000 of deficiency, and therefore we recommend that this amount should be appropriated.

Now, in this connection I desire to say that although it was done without warrant of law, yet since the last appropriation was made in March, 1873, there has been work done which in all probability will cost over \$500,000 by the board of public works around the public property in this city. It would not be right, sir, to make the people of the District pay that money. It is for work absolutely done around the property of the Government, and the people of this District are not responsible for what the board of public works has done. My friend from Illinois [Mr. CANNON] cannot say words in denunciation of the men who have been managing the affairs of this District that I will not indorse. He cannot find language too strong for that denunciation in my judgment, but the people of this District are not responsible for this action that has been taken by the board of public works. I admit, as I have said, that it has been done in defiance of law, but the work has been done around the property of the Government, and therefore if anybody is to pay for it the Government ought to do it. I say this much in justice to the people of the District.

Mr. COBB, of Kansas. I would ask the gentleman why the Select Committee to Inquire into the Affairs of the District did not in reporting their bill include this appropriation of \$1,300,000, so as to give Congress an opportunity to vote upon the question disconnected with other appropriations?

Mr. WILSON, of Indiana. I will explain to the gentleman why that was. The select committee had this matter under consideration and they did not put the appropriation in their bill because they thought it would come more properly from the Committee on Appropriations.

Mr. SMITH, of Ohio. Did not the last Congress vote over \$3,000,000 to pay for this work in the District?

Mr. WILSON, of Indiana. No, sir; the gentleman is under a misapprehension in regard to that. On the 8th of January, 1873, Congress made an appropriation of one million two hundred and forty-odd thousand dollars for a specific purpose, to pay for work that had been done around the public grounds.

Mr. ALBRIGHT. A large part of this appropriation is to go to laborers who have done work for the board of public works and are now in indigent circumstances.

Mr. KELLOGG. I desire to ask the gentleman from Indiana if the board of public works has not employed and agreed to pay wages to laborers under an act of Congress, and if those wages do not remain unpaid to this day?

Mr. WILSON, of Indiana. I shall come to that point in a moment if gentlemen will allow me to proceed.

Mr. KELLOGG. Is it not our duty to pay these men under these circumstances?

Mr. WILSON, of Indiana. I will answer that question as I proceed. I will say in answer to the gentleman from Ohio [Mr. SMITH] that there was another appropriation made of \$913,000, and that was to pay for work that had been done by the old corporation of Washington, and there were other appropriations of like character made. If

any gentleman will take the trouble to look into the matter he will see that the Congress of the United States most obviously was intending by these appropriations to clear up old scores and pay for work that had been done anterior to the time of the foundation of the present government of the District, and then they put into each appropriation bill a provision that no further indebtedness should be incurred for public works in this District for which Congress should be liable. I say therefore that the board of public works violated the law, because in the face of that provision they did \$570,000 worth of work about the Government property. Gentlemen will remember that the bill which passed the House the other day contemplated that we should ascertain hereafter what is the proper proportion that this Government should pay of the current expenses of the District of Columbia. The select committee contemplated that and put a provision in the bill looking to that, leaving it to Congress hereafter to determine what the proper proportion would be. It is properly provided by the Committee on Appropriations in the provision now under consideration that of this \$1,300,000 now appropriated a certain amount shall go to pay the interest on the public debt of the District of Columbia. It is necessary to do that for this reason: there are nearly \$4,000,000 of the bonds of this District which have been sold and are owned abroad and the interest on them falls due on the 1st of July. The government of the District, under the mismanagement to which it has been subjected for the last few years, is today almost without a dollar in its treasury. It has no money, and it is simply a question whether or not this District, the capital of the nation, shall be discredited by the non-payment of the interest upon its debt.

[Here the hammer fell.]

Mr. SPEER. I want to ask if any of these laborers have been employed by the Government of the United States, and, if any, whether the amount due them is not for services rendered to the District government in express violation of law?

Mr. WILSON, of Indiana. It is proposed out of this appropriation to meet this interest. It is also provided in the other bill that that interest shall be refunded to the United States out of the revenues to be collected from taxes which we impose by that act. We have made ample provision between the two bills to meet the whole question. The interest is to be paid back to the United States.

In the next place it provides for the payment of officers, employés, and laborers of the District, whether of the district proper or of the board of public works. They are all employés. There are men here who have been working upon the streets in the employment of the District government and clerks who have been working for the board of public works. Those clerks and the employés of the District government, either of the District proper or of the board of public works, have been without their money, some of them for more than eight months, and some of them for more than a year. I believe there is more suffering in this city than perhaps in any city on this continent north of Mason's and Dixon's line, if not in any city in any part of the country. These people are absolutely suffering on account of not receiving what is due them. I have had old men and old women, and young men and young women, white men and black men, come to me with tears in their eyes and implore us to do something for their relief.

Mr. COBURN. I would ask whether these laborers the gentleman speaks of are the laborers employed by the contractors?

Mr. WILSON, of Indiana. Not at all. This bill does not provide for the payment of the laborers employed by the contractors, but only for those employed by the District proper or the board of public works. We provide that after this interest has been refunded, then the balance of the appropriation shall hereafter be adjusted in fixing the proportional share that the United States is hereafter to pay. This whole amount, involving all this appropriation, will be settled and adjusted, and the United States will get credit for it in the future when this matter is settled.

Mr. GARFIELD. An amendment was received in behalf of the gentleman from Pennsylvania, [Mr. RANDALL,] and I now offer it.

The Clerk read as follows.

Add to the amendment of the Senate the following: And provided further, That the sum of \$75,000 of said sum hereby appropriated shall be used for the payment of the workmen employed on public improvements on the streets and excavations of Washington under the board of public works of the District of Columbia or the contractors of the same; and the commissioners are hereby authorized and ordered to retain from the several contractors who are indebted to the workmen, and whose accounts have not been settled by the board of public works, the several sums due the workmen.

Mr. GARFIELD. That is, that where the contractors have not been paid there shall be reserved this much until the workmen themselves are paid.

Mr. WILLARD, of Vermont. If this work has been let out by contract and the District of Columbia is liable to the contractors, how can we pay the contractors and the workmen both?

Mr. GARFIELD. We do not; this is to be reserved from the amount due the contractors.

The amendment to the amendment was agreed to.

Mr. MERRIAM. I ask the chairman to allow me to have an amendment read.

The SPEAKER. That would require unanimous consent.

Mr. BARRY. I object.

The question was upon agreeing to the amendment of the Senate as amended; and being taken, upon a division there were—ayes 105, noes 21; no quorum voting.

Mr. CANNON, of Illinois. I call for a further count. Tellers were ordered; and Mr. BURCHARD and Mr. GARFIELD were appointed.

Mr. BURCHARD. In order to save time I call for the yeas and nays. Tellers were ordered on the yeas and nays; and Mr. BURCHARD and Mr. GARFIELD were appointed.

The House divided; and the tellers reported that there were—ayes 33, noes 145.

So (one-fifth not voting in the affirmative) the yeas and nays were not ordered.

The House then divided upon agreeing to the amendment of the Senate as amended; and the tellers reported that there were—ayes 119, noes 38.

So the amendment, as amended, was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SAWYER. I am instructed by the Committee on Commerce to move that the rules be suspended and the amendments of the Senate to the bill (H. R. No. 3108) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, be non-concurred in, and that a conference be requested upon the disagreeing votes of the two Houses thereon.

The motion to suspend the rules was seconded; and (two-thirds voting in favor thereof) the rules were suspended and the order made.

The SPEAKER subsequently announced the appointment of Mr. SAWYER, Mr. McCRARY, and Mr. WELLS as the conferees on the part of the House.

SUNDRY CIVIL APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate to the sundry civil appropriation bill, and the fortieth amendment of the Senate was read, as follows:

For the necessary expenses of the land-office at the Dalles, Oregon: For salaries and commissions of the register and the receiver for the fiscal year ending June 30, 1875, \$6,000; and for incidental expenses of said officers, \$1,000.

The Committee on Appropriations recommended non-concurrence.

Mr. NESMITH. I hope this amendment will be concurred in. It is very important that this land office should be established in that remote part of the country. There is an intervening range of impassable mountains, and for a great portion of the year it is impossible to reach the present land office by way of the river. I trust that Congress will give the people of that remote frontier this land office.

The amendment of the Senate was not concurred in.

The fifty-seventh amendment was read, as follows:

Insert as a new paragraph the following:

For the Little Sisters of the Poor of Washington City, to liquidate a debt on the building and to complete said building, \$25,000.

The Committee on Appropriations recommended non-concurrence.

Mr. E. R. HOAR. Mr. Speaker, I hope that the House will concur in this amendment. The only objection made to this proposition the other day, when the House acted upon it, arose from an idea that this property would be under the control of some church authorities. I have carefully inquired into the matter, and I find that no such thing is true. This is an incorporated society of the District of Columbia, under no ecclesiastical authority whatever, although to be sure it consists of Catholic women. The property is held in strict trust, to be used sacredly as a home for aged persons. It cannot be diverted from that use by any authority. If such diversion should be attempted the Attorney-General could prevent it through the intervention of a court of chancery.

This is a purely charitable institution; and it seems to me that as we have abolished the government of the District of Columbia, and the charities of this District are now left dependent upon the action of Congress, this is a charity equally deserving with others that we have recognized. I hope the House will concur in the amendment of the Senate. The managers of this institution exercise in the administration of their charity no discrimination of sex, color, or religious belief. The benefits of the institution are extended without any such discrimination to all old people of sixty years or more who are destitute and infirm.

Mr. GARFIELD. I desire in a very few words, not to argue the merits of this case but to give the ground on which the Committee on Appropriations made their recommendation. Having stated that ground, I shall leave the question to the discretion of the House.

I agree with everything that the gentleman from Massachusetts [Mr. E. R. HOAR] has said about the worthy charitable work of this organization known as the Little Sisters of the Poor. I agree that they distribute their charity without the slightest regard to denominational belief. The only ground on which I make a distinction (and it is a distinction I wish the House to understand) is this: Here is an organization composed exclusively of people of one religious denomination. Under its charter the members are wholly and only of one religious sect, and of one society within that religious sect. I take it that no woman in America, not a Catholic, could be one of the corporators in this home. At any rate I take it for granted that the members would not act in conjunction with any corporation not of that sect as a joint controller of the institution.

Now, I make the point—and the Committee on Appropriations made the point—that we ought never to commit ourselves to the aid of an

exclusively sectarian institution. I would say the same were this institution under the control of a Protestant church, even if it were a church to which I myself belonged. The divorce between the church and the state ought to be absolute. It ought to be so absolute that no church property anywhere in any State or in the nation should be exempted from equal taxation; for if you exempt the property of any church organization, to that extent you impose a church tax upon the whole community.

If the House deems this a point that ought not to be considered, I shall be very glad to see these Little Sisters of the Poor helped. If the fifty-sixth amendment, making an appropriation for the work for the Women's Christian Association were in favor of any one sect, I should vote very quickly to strike it out.

Mr. BUTLER, of Massachusetts. Will you allow me just one inquiry?

Mr. GARFIELD. I will.

Mr. BUTLER, of Massachusetts. Do you know of, or do you believe there is or can be, a single Catholic in the Women's Christian Association of this District?

Mr. GARFIELD. I know of no reason in the world why any woman, Catholic or otherwise, cannot be in that association if she desires to be. Furthermore, that is a corporation whose corporators are not of any one religious sect.

Mr. BUTLER, of Massachusetts. Is there a single Catholic among the corporators?

Mr. GARFIELD. I do not know that there is; but there is nothing excluding any Catholic woman.

Mr. BUTLER, of Massachusetts. Is there any more restriction in the one corporation than in the other?

Mr. GARFIELD. Very much more.

Mr. BUTLER, of Massachusetts. How?

Mr. GARFIELD. The association known as the Women's Christian Association does not as such belong to any church. The members of that corporation are from various churches. But here is an association whose very title, "Little Sisters of the Poor," is, as I understand, descriptive of an order within the Catholic Church.

Now, I admit that at the last session Congress made a grant of \$25,000 (the appropriation being passed in this House over the head of the Committee on Appropriations) to a similar organization of the Episcopal Church. In that respect we did just what we are now asked to do. But I think Congress was wrong in making that appropriation. It so happened that the money then appropriated was lost in the failure of Jay Cooke & Co.'s banking-house, and never reached the object intended.

Mr. BUTLER, of Massachusetts. I will guarantee that if you make the appropriation here proposed, neither Jay Cooke nor anybody else than the needy people sought to be benefited will ever get the money.

Mr. CESSNA. I wish to ask the gentleman from Ohio whether Protestants as well as Catholics are not allowed the benefit of the institution for which this appropriation is asked?

Mr. GARFIELD. I understand that the beneficiaries of the Little Sisters of the Poor are taken without regard to any circumstance of religious faith; and in that respect this is a most commendable charity.

Mr. CESSNA. Then I say they ought to have the money.

Mr. GARFIELD. I will not further detain the House, but will yield to my colleague, the gentleman from Missouri, [Mr. PARKER.]

Mr. PARKER, of Missouri. Mr. Speaker, I am sorry to see the chairman of the Committee on Appropriations put himself in opposition to this appropriation. He is too broad and liberal in his views to oppose a charity of any kind, no matter by whom that charity is performed.

I am no Catholic, and practically I am not much of a Protestant; but, sir, I want to call the attention of this House to one fact, and especially that of my friend from Ohio, [Mr. GARFIELD,] who gallantly led one of the divisions of our Army during the late war, and that is when the noble women of these different orders were upon the battle-fields of our country, gathering up the wounded and the dying and pouring consolation into their souls, moistening their lips with cold water, talking to them of home, mother, and friends, cheering their dying moments by leading their minds to the mercy of that God who was so soon to judge them—when they kneeled before our brave soldiers upon their dying beds, did the gentleman or the loyal people ever stop to inquire what was the religious faith of these people? Did they stop to inquire whether they were Catholic or Protestant, Jew or Gentile? When the white-bonneted nuns were seen carrying consolation to the gallant soldiers of the Republic upon every battle-field where our patriots struggled for the national existence, they were not asked as to their religion. Now for the American Congress, made up of distinguished men from all parts of the country, wedded to our institutions, devoted to the cause of liberty, after what we have done already here to-day, to refuse to give this institution what is asked here, must be done upon grounds which we cannot justify. It is too narrow a view to take of it. Patriots and gallant men cannot do this. No citizen of this Republic can undertake to maintain any such position as that.

The title to this property is in these people. This society of the "Little Sisters of the Poor" was organized in 1840. It was chartered in this District on the 15th day of July, 1873. The work of this order

is to care for poor aged men and women. No one can be admitted who is not over sixty years of age. There are now fifty-three persons in this institution, and if they do not care for these aged paupers the District of Columbia will have to do it, and it will cost the District \$5,000 to do it. It is therefore a saving of expense if we vote in favor of this appropriation.

Do you know, Mr. Speaker, that it is a fact that these "Little Sisters of the Poor" are not permitted under the obligations of their order to partake of a single mouthful of food until the inmates of their asylum are first fed? Do you know they go to the hotels and restaurants and wherever they are permitted to go in this city and gather what is left of the crumbs which have fallen from the tables for the purpose of feeding these poor aged outcast men and women who are not able to take care of themselves? I ask the House to stand by this appropriation. I ask the House to give this amount of money to this worthy object.

Mr. BUTLER, of Massachusetts. I desire to add a single word; I will detain the House but a moment. This question came up again in another form. I carried to New Orleans six thousand men. I had but six hundred Catholics among them. When those men were dying in that inclement climate of fever and of malaria from the swamps they were taken care of in the hospitals by Sisters of Charity, and the question never was asked, "What is their faith?" The only question asked was, "Are these men sick and dying?" And when that question was answered the soldier was taken in and he was treated as well and as carefully as if he had been of their own faith. Now, sir, with that knowledge and with the remembrance which my friend from Missouri [Mr. PARKER] has called to my attention of how glad our boys used to be to see these white bonnets coming upon the battlefields and into the hospitals where they nursed the sick and dying, I would cut off my right hand before I would strike down this appropriation in behalf of any religious prejudices against their religion.

My friend from Ohio says nobody but a Catholic can belong to this association. That is true in this sense: nobody will undertake the self-denying vows, that entire devotion to charity but those who have been driven by stern religious faith; but when they have once taken those vows they go forward to their labors to take care of the sick and dying without question as to their religious faith. I hope and trust we will vote for this appropriation without any division.

Mr. RANDALL. What is the question?

The SPEAKER. Concurring in the Senate amendment.

Mr. RANDALL. If we concur that leaves it in.

The SPEAKER. It does.

Mr. RANDALL. That is all right.

Mr. GARFIELD. I desire to say a single sentence in reply.

Cries of "Vote!" "Vote!"

Mr. O'BRIEN. I desire to make a single statement.

Cries of "Vote!" "Vote!"

Mr. O'BRIEN. I desire to make a single statement that will be contained in one single sentence; and that is that the property belonging to this order and its title are vested in this institution, and that no church or sect has any control or authority over it whatever. That is all I desire to say.

Cries of "Vote!" "Vote!"

The question being taken on concurring in the Senate amendment, there were—ayes 102, noes 43.

Mr. SMITH, of Ohio. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 21. So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered, and the amendment of the Senate was concurred in.

The sixty-sixth amendment of the Senate was read, as follows:

For building a light-house at or near Solomon's Lump, in Kedges Strait, between Tangier Sound and Chesapeake Bay, \$15,000: *Provided*, That the light-house at Fog Point be discontinued after the completion of the above.

Mr. GARFIELD. The committee recommend non-concurrence.

Mr. SENER. I move that the amendment be concurred in.

The question being taken, the amendment was not concurred in.

The sixty-eighth amendment of the Senate was read, as follows:

Strike out these words:

That the jurisdiction of the Light-House Board, created by the act entitled "An act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes," approved August 31, 1852, is hereby extended over the Mississippi, Ohio, and Missouri Rivers, for the establishment of such beacon-lights, day-beacons, and buoys as may be necessary for the use of vessels navigating those streams; and for this purpose the said board is hereby required to divide the designated rivers into one or two additional light-house districts, to be in all respects similar to the already existing light-house districts; and is hereby authorized to lease the necessary ground for all such lights and beacons as are used to point out changeable channels, and which in consequence cannot be made permanent.

Mr. GARFIELD. This is a misprint. The Senate did not strike that out. I ask that it be passed over.

Mr. CONGER. If the gentleman is sure of that I have no objection. But I have followed the report in the RECORD through, as far as I could, to ascertain what the action of the Senate was in regard to that matter; and as far as I can learn from the RECORD the Senate did make this amendment.

Mr. GARFIELD. They made it in Committee of the Whole, but not in the Senate.

Mr. CONGER. I read the RECORD differently. Let us non-concur in the amendment.

Mr. GARFIELD. For safety we may enter non-concurrence, but the fact I believe is as I have stated it.

The amendment of the Senate was non-concurred in.

The seventy-third amendment of the Senate was read, as follows:

To enable the Light-House Board to continue its experiments in relation to fog-bells, or other signals, for the protection of the commercial marine, \$5,000.

Mr. GARFIELD. The committee recommend non-concurrence.

Mr. CONGER. I ask the House to concur in that amendment.

The Light-House Board are engaged in a series of examinations and experiments in regard to fog-bells and other signals, and a small appropriation of \$5,000 seems to be necessary to enable them to perfect these, and in that way to decide between the different modes of alarming vessels in a fog and in the night, for the protection of commerce. It is but a very small amount, and may accomplish a very valuable purpose.

Mr. GARFIELD. There is a large appropriation for general purposes for the Light-House Board, and we think that we should not give away any more.

The question being taken on concurring in the Senate amendment, there were ayes 6, noes not counted.

So the amendment was not concurred in.

The Clerk read the seventy-fourth amendment of the Senate, as follows:

For building a relief light-ship for general service, in addition to the amount heretofore appropriated, \$15,000, or so much thereof as may be necessary.

The Committee on Appropriations recommended concurrence in the amendment.

Mr. CONGER. I hope the House will non-concur in that amendment. I would like the chairman of the Committee on Appropriations to explain to the House why he asks a concurrence in an appropriation of \$15,000 for a relief light-ship, when we have an appropriation for general expenses of this kind and he would not allow an appropriation for experiment?

Mr. GARFIELD. The department cannot build a light-ship out of the general fund. They can only do it when we appropriate it especially for a ship of the kind, but they have a right to make experiments out of the general fund. If, however, the gentleman wishes that this appropriation shall be stricken out, I have no objection to a non-concurrence in the amendment of the Senate.

Mr. CONGER. I have no such desire, but I confess that I do not see the difference between this case and the one which was up a moment ago.

The amendment of the Senate was concurred in.

The Clerk read the seventy-fifth amendment of the Senate, as follows:

Add to line 1297, on page 53, the following:

But nothing herein contained shall be construed to effect the present jurisdiction of the Second Comptroller of the Treasury in this class of cases: *Provided*, That the Secretary of War is authorized to employ not exceeding thirteen enlisted men for one year in the Ordnance Bureau.

The Committee on Appropriations recommended concurrence in the amendment of the Senate, with an amendment as follows:

Strike out the word "effect" in line 1299, and insert in lieu thereof the word "affect."

The amendment recommended by the Committee on Appropriations was agreed to.

Mr. STRAWBRIDGE. I move to amend that amendment of the Senate by adding thereto the following:

In line 1303, after the word "Bureau" insert the following:

And to retain during the next fiscal year, and no longer, such portion of the force of employes now on duty in the Surgeon-General's Office as may be actually necessary for the service thereof; but nothing in this act shall be so construed as to increase the aggregate force now employed in said office.

The SPEAKER *pro tempore*. (Mr. WHEELER in the chair.) That amendment is not in order, because in the first place it is not germane to the amendment of the Senate, and in the next place it is new legislation.

Mr. STRAWBRIDGE. I move that the rules be suspended and that the amendment be adopted.

Mr. G. F. HOAR. I rise to a question of order on this amendment.

The SPEAKER *pro tempore*. The Chair has ruled the amendment out of order, but the gentleman from Pennsylvania moves to suspend the rules so as to adopt it.

Mr. G. F. HOAR. Well, I raise the point of order whether this amendment can be adopted as an amendment to the Senate amendment without a suspension of the joint rules of the two Houses.

Mr. ALBRIGHT. Why, Mr. Speaker, the same thing was done this morning.

The SPEAKER *pro tempore*. The Chair holds that the rules may be suspended for that purpose. Of course the amendment will have to go to the Senate for consideration. The Chair has already ruled that this amendment is not germane to the amendment of the Senate, that it does not properly attach to it; but the gentleman from Pennsylvania moves to suspend the rules.

Mr. G. F. HOAR. This is a very important question. The point is whether or not when a bill which has passed the House comes back from the Senate with an amendment all that the House can do is either to concur or to non-concur with the Senate amendment, and whether any new matter not involved in the amendments of the Sen-

ate can be added to the bill except by a suspension of the joint rules of the two Houses.

The SPEAKER *pro tempore*. The Chair rules that this bill is so far in the possession of the House that it can be amended by a suspension of the rules.

The question was put on seconding Mr. STRAWBRIDGE's motion to suspend the rules; and on a division there were ayes 10, noes not counted.

So (two-thirds not voting in favor thereof) the rules were not suspended.

The Clerk read the seventy-sixth amendment, as follows:

For continuing experiments with the Moffatt system of breech-loading cannon, under the direction of the Secretary of War, the sum of \$10,000 is hereby appropriated.

The Committee on Appropriations recommended non-concurrence in the amendment of the Senate.

Mr. HAZELTON, of Wisconsin. I hope this amendment of the Senate will be concurred in. This is only half the amount recommended by the Secretary of War and the Chief of the Ordnance Department for this purpose. It is for continuing experiments with a class of breech-loading guns of very great importance, and they have attracted very general attention, and I hope the amendment of the Senate will be concurred in by the House.

Mr. CONGER. I move to amend the amendment of the Senate by striking out the words "Moffatt system of," so that it will provide for continuing experiments with breech-loading cannon and not confine it to any particular arm.

Mr. GARFIELD. I desire to say that the Committee on Appropriations recommended non-concurrence in this and the following amendment because they propose to make appropriations for two individuals by name. It seemed to us that Congress ought hardly thus to distinguish between the various inventors of the country.

It is precisely on a similar principle that we did not wish to distinguish between churches, and we thought we ought not to distinguish between individuals in this way. If the name is stricken out and the sum appropriated for a general purpose, I will have no objection to it. I have seen this gun of Mr. Lee, and it seems to me to be a very wonderful gun; I should say it was the best small-arm I have ever seen. Still I do not think we should legislate for it by name.

Mr. COBURN. I think the gentleman from Ohio [Mr. GARFIELD] pays a very just compliment to the gun of Mr. Lee. I have never seen anything that will at all compare with it in the shape of a small-arm. But the gentleman says that we should make this appropriation general. Now, it would be utterly impossible with \$10,000, or even with \$20,000, to experiment on all kinds of small-arms. If the amendment of the gentleman from Michigan [Mr. CONGER] shall be adopted, it will defeat the entire purpose of this appropriation. With this small sum we cannot go into a general investigation. And now that we have before us two meritorious inventions, as we have discriminated in other things, why not at least investigate as to whether these two arms are the best? Why not have the tests made upon them? If we make this an entirely open investigation, we entirely destroy the effect of the appropriation. We have appropriated infinitely more to things not worth one-tenth as much.

Mr. CONGER. The experiments may be made under direction of the Secretary of War with this or any other gun if my amendment is adopted; but it does not direct that any one particular patent of any one man shall receive investigation to the tune of \$10,000. If the Department wishes, under this appropriation, to investigate this particular gun, I have no objection; but I do object to appropriating this amount to any one patent.

Mr. HAZELTON, of Wisconsin. The Secretary of War recommends twice this sum for experiments with this gun. It is the usual course; it is always done.

The amendment of Mr. CONGER was then agreed to; and the amendment, as amended, was concurred in.

The seventy-seventh amendment of the Senate was read, as follows:

For the purpose of testing Mr. Lee's breech-loading gun, under the direction of the Secretary of War, the sum of \$10,000 is hereby appropriated.

The Committee on Appropriations recommended concurrence.

Mr. BUTLER, of Massachusetts. I move to amend the amendment of the Senate so that it will read:

For the purpose of testing magazine and breech-loading guns, under the direction of the Secretary of War, the sum of \$10,000 is hereby appropriated.

The amendment of Mr. BUTLER was adopted; and the amendment, as amended, concurred in.

The seventy-eighth amendment of the Senate was read, as follows:

For this amount, or so much thereof as may be necessary, for the erection of winter quarters for troops stationed near the Red Cloud and Whetstone Indian agencies, \$30,000.

The Committee on Appropriations recommended non-concurrence.

Mr. STEELE. I desire to call the attention of the House for a few minutes to this Senate amendment. General Ord, a most competent and careful officer, who is in command of the Department of the Platte in which these agencies are located, was in the city a few days since, but was not able to appear before the Committee on Appropriations of the House while they were preparing this bill. But he appeared before the Senate committee, and that committee reported in favor of appropriating \$30,000 for building quarters for the troops at these two agencies.

I accompanied General Ord when he went to the Indian Department to ascertain whether it would be necessary to maintain the troops at these two agencies, they having been stationed there during the present season, five companies at each agency. He informed the Indian Department that he had barracks and quarters sufficient for the troops at the regular posts in the department if he could be allowed to withdraw them from the agencies. But he was informed by the Indian Department that it was absolutely necessary to maintain these troops there; that without them the agencies could not be maintained. There are from five to six thousand hostile or semi-civilized Sioux at each of these agencies.

The appropriation of \$30,000 is simply to provide the doors, sashes, chimneys, flooring, and such things as the troops cannot manufacture for themselves. The proposition of General Ord is to build huts as winter quarters. The troops are now in tents, and General John E. Smith, a gallant officer and thorough soldier, in command at the agencies, reports that it is impossible for them to remain there in tents during the coming winter. This appropriation is to pay for such articles as the troops cannot manufacture from the timber to be found there. The troops will cut the timber and build the huts if this small appropriation is made, which is to provide winter quarters for ten companies of troops, without which they cannot remain in the country where they are now located; and the Indian Department says it is absolutely necessary that they should remain at the agencies. The Commissioner of Indian Affairs told me this morning on the floor of the House that it would be utterly impossible to maintain the agencies at these points and carry on the operations of the Indian Department under the present policy without these troops to protect the agencies and maintain order. I hope the amendment of the Senate will be concurred in.

The amendment of the Senate was not concurred in.

The seventy-ninth amendment of the Senate was read, as follows:

Add to paragraph relating to Freedmen's Hospital and Asylum at Washington, District of Columbia, the following:

Provided, That after June 30, 1874, the Freedmen's Hospital in the District of Columbia shall, until otherwise ordered by Congress, be continued under the direction of the Secretary of the Interior, who shall make all estimates and pass all accounts, and shall be accountable to the Treasury of the United States for all expenditures; and all property, including hospital and quartermaster stores, belonging to said hospital, and now in charge of the War Department, be also transferred to the Interior Department.

The Committee on Appropriations recommended concurrence.

Mr. WILLARD, of Vermont. What is the reason for this amendment?

Mr. GARFIELD. I ask the Clerk to read a letter from the Secretary of War.

The Clerk read as follows:

WAR DEPARTMENT,
Washington City, March 26, 1862.

DEAR SIR: I have the honor to suggest that the appropriation which is now made annually by Congress for the support of the Freedmen's Hospital and Asylum, at Washington, be henceforth disbursed under the Interior or some other Department of the Government. This may simply be done by changing in the sundry civil appropriation bill a few words, and putting the appropriation in another part of the bill.

The suggestion is made, not because the War Department will not cheerfully and faithfully carry out any tasks imposed upon it by the Legislature, but because the Medical Department of the Army is so much reduced in its force that the duties required of it in connection with the Freedmen's Hospital might with more advantage be given to the military service; and in this view it might be well to place this hospital under the care of a civil head.

Very respectfully,

WM. W. BELKNAP,
Secretary of War.

Hon. HANNIBAL HAMLIN,
United States Senate.

Mr. WILLARD, of Vermont. Will this involve any ultimate increase of expense?

Mr. GARFIELD. Not at all; I do not see how it can.

Mr. BUTLER, of Massachusetts. I wish to say that I am not convinced even by the letter of the Secretary of War. No doubt he would be very glad to get rid of the care of the Freedmen's Hospital; he has no great affection for it, and I should not have if I had to take care of it. But the Department of the Interior was not organized for the purpose of running hospitals. The War Department has had very great experience in this business. It has a medical staff with the Surgeon-General at its head; it has all the machinery for doing this work. The Interior Department has not any surgeon except an examining surgeon for pensions; and he has enough to do—indeed too much. The Interior Department has no force, no staff, nobody to take care of or look after this hospital.

I know it is unpleasant for the surgeons of the Army to take care of negroes; but then I insist that they shall do it, or else that they shall not have their salaries. I hope this recommendation will not be agreed to. I move to amend the amendment by striking out the last four lines providing for a transfer of this hospital from the War Department to the Interior Department.

Mr. WILLARD, of Vermont. I call attention to the last part of the letter of the Secretary of War:

This suggestion is made, not because the War Department will not cheerfully and faithfully carry out any task imposed upon it by the Legislature, but because the Medical Department of the Army is so much reduced in its force that the duties required of it in connection with the Freedmen's Hospital might with more advantage be given to the military service; and in this view it might be well to place this hospital under the care of a civil head.

It is obvious from this that the Secretary of War proposes to have the medical force of the Army withdrawn from this service if the amendment be adopted; and if that be done, of course the medical service of this hospital will have to be provided for in some other way, involving of course some further charge upon the Treasury.

Mr. GARFIELD. That would naturally appear to be true; but it is not so.

Mr. WILLARD, of Vermont. It is, according to that letter.

Mr. GARFIELD. It is not true even according to that letter, as the gentleman will see if he will listen a moment. The Surgeon-General is the one to whom the reports of this hospital are made; but the hospital is in charge of a civil surgeon, who is not an Army officer at all.

Mr. BUTLER, of Massachusetts. He is hired by the Surgeon-General's office.

Mr. GARFIELD. He is hired under this appropriation and paid under it. This is the only appropriation that goes to the support of that hospital; and whether the management of it be transferred or not, this amount of money will be required.

Mr. WILLARD, of Vermont. What does the Secretary of War mean when he says that the medical force can more properly be employed elsewhere?

Mr. GARFIELD. As the gentleman from Massachusetts [Mr. E. R. HOAR] said the other day in reference to another matter, I will make an explanation which I had trusted I should not be called upon to make, for I had hoped that the reading of the letter would be sufficient. Since, however, the gentleman from Vermont insists on a fuller explanation, I will state that as I understand it there is not entire harmony of feeling and opinion in the War Department about the management of the Freedmen's Hospital; and it will settle a rather unpleasant difference of opinion to put the hospital under the Interior Department. Again, the hospital building is owned by the Howard University, having been built when the head of that university was taking care of the freedmen; and a small rental is annually paid to the university for the use of the hospital building. It was understood and expected that the clinic, the surgical operations, of this hospital should be wholly open to the colored medical students in the university. Some difficulties have arisen in this regard; and the students feel that they are not getting a proper opportunity for attending the clinics in the hospital. Because of this question and the differences that have arisen about it in the War Department, the Committee on Appropriations are informed that it will disentangle the trouble to put the hospital under the control of a Department where there is no such antagonism. That is the meaning of the Secretary's letter. The change will not cause any increase of expense. The Surgeon-General does not get any additional pay for taking charge of this institution. He does not detail an Army officer at all for that purpose. The officer now in charge of the institution is a civilian; but he has to make his reports now to the Surgeon-General, while if this transfer be made he will make his reports to the Secretary of the Interior.

I am acquainted with the officer in charge of the hospital, who is an excellent man; and I know that he is not an Army officer. I understand that the officers and students of the university very much desire this change; the colored physician, who is one of the professors in the college, is also very desirous for the change; the Secretary of War, who has charge of the hospital, recommends it; and it occurs to me it is a proper thing for us to do.

Mr. HARRISON. Will the gentleman inform us how the Secretary of the Interior can better settle the difficulties than the Secretary of War can?

Mr. GARFIELD. The Secretary of the Interior has no Surgeon-General's Department.

Mr. WILLARD, of Vermont. That is the very reason why there will have to be an entirely new organization of a medical force if this transfer is made.

Mr. GARFIELD. Not at all.

The question being taken on the amendment of Mr. BUTLER, of Massachusetts, it was agreed to.

Mr. BUTLER, of Massachusetts. In order to make this section conform to the amendment just adopted, I move to strike out the word "Interior," in line 1380, and insert "War."

The amendment was agreed to.

Mr. G. F. HOAR. I move further to amend the amendment of the Senate by adding the following:

To pay, under the direction of the President of the United States, the expenses of Major-General O. O. Howard in employing counsel and summoning witnesses in his defense before an investigating committee of the House of Representatives and before a court-martial, \$7,000.

Mr. SPEER. That amendment is surely not in order. I make the point of order on it. It was ruled out once before.

The SPEAKER. The gentleman from Pennsylvania makes the point of order the amendment is not in order.

Mr. G. F. HOAR. I move to suspend the rules and make it in order.

Mr. SPEER. On that I demand the yeas and nays.

Mr. G. F. HOAR. This was an investigation instituted on the part of the Government.

Mr. SPEER. I object to debate unless both sides can be heard.

Mr. YOUNG, of Georgia. I demand the regular order.

Mr. ELDREDGE. This provides for paying some \$7,000 to General O. O. Howard.

Mr. YOUNG, of Georgia. Let us have the yeas and nays.

Mr. BECK. If it be in order, I will move an amendment to pay Andrew Johnson \$40,000 for the expense of his impeachment.

Mr. G. F. HOAR. I suggest five minutes of debate be allowed on each side.

Mr. ELDREDGE. I object, unless the proposition of the gentleman from Kentucky can be debated. We want the whole question considered at the same time. We want Andrew Johnson's bill paid.

The question recurred on seconding the motion to suspend the rules.

Tellers were ordered; and Mr. G. F. HOAR and Mr. SPEER were appointed.

The House divided, and there were—yeas 80, nays 40.

So the motion to suspend the rules was seconded.

Mr. SPEER demanded the yeas and nays.

Mr. ELDREDGE. I think we had better wait until we have the opinion of the Judge Advocate-General in the case of General O. O. Howard.

Mr. RANDALL. We are asked to pay this expense without knowing what the decision of the court of inquiry is.

The question was taken; and there were—yeas 123, nays 95, not voting 71; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barry, Bass, Biery, Bradley, Buffinton, Bundy, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clinton L. Cobb, Coburn, Conger, Crooke, Danford, Dobbins, Duell, Eames, Field, Foster, Frye, Garfield, Glover, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Kasson, Kelley, Kellogg, Lampont, Lansing, Lawson, Loftand, Loughbridge, Lynch, Maynard, McCrary, MacDougall, McKee, Merriam, Monroe, Morey, Negley, Nunn, O'Neill, Orth, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Phelps, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Purman, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheets, Sherwood, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, St. John, Stowell, Strait, Strawbridge, Sypher, Christopher Y. Thomas, Townsend, Tremain, Tyner, Wallace, Walls, Marcus L. Ward, Wheeler, Whiteley, Wilber, George Willard, John M. S. Williams, William Williams, James Wilson, and Woodford—123.

NAYS—Messrs. Adams, Archer, Arthur, Atkins, Beck, Bell, Berry, Bland, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Caldwell, Cannon, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Comingo, Cook, Corwin, Cox, Creamer, Crittenden, Crossland, Crounse, Crutchfield, Darrall, Doonan, Dunnell, Durham, Eldredge, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, John B. Hawley, Hereford, Herndon, Hunton, Hyde, Kendall, Knapp, Lamar, Luttrell, Magee, Marshall, Martin, James W. McDill, McLean, Milliken, Mills, Moore, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Perry, Phillips, Randall, Read, Robbins, James C. Robinson, Milton Sayler, Sener, Sloss, Small, J. Ambler Smith, Southard, Speer, Sprague, Standiford, Stone, Storm, Thornburgh, Todd, Vance, Waldron, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie Wolfe, John D. Young, and Pierce M. B. Young—94.

NOT VOTING—Messrs. Ashe, Banning, Barnum, Barrere, Begole, Blount, Burrows, Clayton, Cotton, Crocker, Curtis, Davis, Daves, DeWitt, Eden, Elliott, Farwell, Freeman, Giddings, Gooch, Harmer, Hathorn, Hays, Hendee, Hersey, Holman, Hurlbut, Hynes, Jewett, Killinger, Lamison, Lawrence, Leach, Lewis, Lowe, Lowndes, Alexander S. McDill, McJunkin, McNulta, Mitchell, Myers, Nesmith, Niles, Orr, Packer, Pelham, Potter, Pratt, Rainey, William R. Roberts, James W. Robinson, John G. Schumaker, Sheldon, Lazarus D. Shoemaker, Sloan, John Q. Smith, William A. Smith, Snyder, Stanard, Starkweather, Stephens, Swann, Taylor, Charles R. Thomas, Wadswell, White, Charles G. Williams, William B. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Woodworth—71.

So (two-thirds not having voted in favor thereof) the rules were not suspended and the amendment was not received.

During the roll-call,

Mr. COX said: The gentleman from Indiana, Mr. HOLMAN, has gone home in consequence of the dying condition of his daughter.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that that body had agreed to the conference asked for on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, and had appointed Mr. CHANDLER, Mr. BUCKINGHAM, and Mr. DENNIS as managers of said conference on its part.

It further announced that the Senate had passed a bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes, with amendments; in which the concurrence of the House was requested.

It further announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

Joint resolution (H. R. No. 114) to fill a vacancy on the board of managers of the National Home for Disabled Volunteer Soldiers;

Joint resolution (H. R. No. 115) for the relief of certain clerks and employes of the United States;

An act (H. R. No. 3506) for the relief of William Tod Helmuth, of New York;

An act (H. R. No. 1767) to change the name of the schooner Kittie Strang;

An act (H. R. No. 3211) to change the name of the schooner Delmar;

and An act (H. R. No. 3773) to further define and enlarge the powers and duties of the District of Columbia.

PRESIDENTIAL APPROVALS.

A message from the President, by Mr. O. E. BABCOCK, his Private Secretary, announced that the President had approved and signed bills and joint resolutions of the following titles, namely:

Joint resolution (H. R. No. 112) directing the Public Printer to keep an account of all expenditures for printing, mailing, and binding the CONGRESSIONAL RECORD;

An act (H. R. No. 203) to create two additional land districts in the State of Kansas;

An act (H. R. No. 526) for the relief of James De Long;

An act (H. R. No. 622) for the relief of John N. Newman, late an acting first lieutenant of Company B, Ninth Tennessee Volunteer Cavalry;

An act (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York;

An act (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873;

An act (H. R. No. 1227) granting a pension to Eliza A. Maxham;

An act (H. R. No. 1507) to create an additional land district in the Territory of Colorado;

An act (H. R. No. 1572) fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes;

An act (H. R. No. 1587) for the relief of William H. Pilkenton, late a second lieutenant in Company G, Fifth Regiment Indiana Cavalry Volunteers;

An act (H. R. No. 1948) granting a pension to Mary J. Blood;

An act (H. R. No. 2089) for the relief of Mrs. Louisa P. Molloy;

An act (H. R. No. 2092) for the relief of John W. Divine, late assistant surgeon of the Eleventh Regiment of Tennessee Cavalry;

An act (H. R. No. 2095) granting a pension to Charles Macarty;

An act (H. R. No. 2223) for the relief of Robert F. Winslow;

An act (H. R. No. 2292) for the relief of William Walker;

An act (H. R. No. 2450) to provide for the apportionment of the Territory of Wyoming for legislative purposes;

An act (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;

An act (H. R. No. 2670) granting a pension to Mary S. Howe;

An act (H. R. No. 2671) granting a pension to General A. C. Voris;

An act (H. R. No. 2701) to relieve William G. Jones, of Alabama, of political disabilities;

An act (H. R. No. 2788) for the relief of Henry P. Ingram and John H. Askins;

An act (H. R. No. 2879) revising and embodying all the laws authorizing post-roads in force on the 1st day of December, 1873;

An act (H. R. No. 3002) for the relief of Isaac Riseden, late a first lieutenant of the Eleventh Tennessee Cavalry;

An act (H. R. No. 3003) for the relief of George A. Bacon;

An act (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes;

An act (H. R. No. 3309) granting to the Nevada Narrow-Gauge Railroad Company a right of way through the public lands for a railroad;

An act (H. R. No. 3332) to fix the time for the election of Representatives in the Forty-fourth Congress from the State of Mississippi;

An act (H. R. No. 3349) to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia, in force on the 1st day of December, A. D. 1873;

An act (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;

An act (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, of political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States;

An act (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;

An act (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;

An act (H. R. No. 3606) granting a pension to Mary E. Grosvenor;

An act (H. R. No. 3652) providing for publication of the revised statutes and the laws of the United States;

An act (H. R. No. 3680) for the government of the District of Columbia, and for other purposes;

An act (H. R. No. 3740) to create the Bozeman land district in the Territory of Montana; and

An act (H. R. No. 3748) directing the Secretary of the Treasury to report upon the necessity for a public building at Brooklyn, New York, and the cost of the same.

SUNDRY CIVIL APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate to the sundry civil appropriation bill.

The eightieth amendment of the Senate was read, as follows:

To enable the Secretary of the Senate to pay a sum sufficient to make the annual salaries of the principal clerk, principal executive clerk, minute and Journal

clerk, and financial clerk of the Senate, as follows: Principal clerk, \$3,600; principal executive clerk, minute and Journal clerk, and financial clerk, \$3,000 each; and a sum sufficient to make the annual salaries of seven of the clerks in the office of the Secretary \$2,592 each, \$4,836.

Mr. GARFIELD. The committee recommend non-concurrence.
Mr. HOOPER. I offer the following amendment:

Add to the eightieth amendment the following:

Also the sum sufficient to enable the Clerk of the House of Representatives to pay in future the file, printing, and principal engrossing clerks at the same rate of compensation each received on the 1st day of January last.

That has always been the case, that these clerks have received the same pay as the corresponding clerks in the Senate.

Mr. GARFIELD. I desire to call the attention of the House to this matter. This is the chalice which we offered to the lips of the Senate and it comes back to our own. We raised the pay of four of our clerks. The Senate proposed to raise the pay of twelve of theirs. Now, the only way to make the House even is to put in five or six more House clerks; and in doing that to make every clerk about this House whose pay is not raised believe that he is wronged and degraded by having his friends and associates put up, and to make every officer of the same grade in the Executive Departments at Washington feel that we pay special and partial attention to our own employes around us under our eyes and leave others out of our view.

Now, I firmly believe that there is no justice and no equity in the course we have entered upon. I firmly believe that when the question is stated to the country they will condemn us for every step we have taken in this regard. Yet here we are in the midst of it. The real fair thing, the real just thing to do would be to adopt an amendment repealing all increase of salary that we ourselves have made in the case of our own clerks, in the law that has lately been signed as the legislative appropriation bill. If we do that it would be a plain, square matter of letting salaries alone this session. That is the right path for us to pursue. I am not authorized by the Committee on Appropriations to offer that amendment. I do not offer it; but I say that that is a path that would lead us back to a fair and equitable adjustment of the matter by letting the whole subject alone.

By the other course you make the whole group of men holding positions around this House feel that they are hurt and wronged. There is the clerk of the Committee on Appropriations; I venture to say he has worked more hours than any other employe in the Capitol this winter.

Mr. BUTLER, of Massachusetts. Except the clerk of the Committee on the Judiciary.

Mr. GARFIELD. I cannot except him, though perhaps he has come near it. Then there are the clerks of the Committee on Commerce, the Committee on Ways and Means, the Committee on Pensions, the Committee on War Claims—a whole row of them—and our engrossing clerks who sit up all night and keep up with our work. Now, what are you going to do? Those who do not press you, who do not ask for it, do not get their salaries advanced, while those in whom you are more particularly interested get advanced. For my own part I have tried to wash my hands of the tangle in which the House has got itself by these amendments.

Mr. CONGER. I wish to ask the chairman of the Committee on Appropriations if there is any other committee of this House that has a clerk, door-keeper, and messenger, and the whole paraphernalia of its rooms so well provided for as the Committee on Appropriations? I venture to say that there is no other committee of this House which is so expensive.

Mr. GARFIELD. The Committee on Ways and Means are provided for in the same way.

Mr. CONGER. I have also noticed that when the gentleman from Ohio has feathered his own nest handsomely he lies down in it and takes his repose.

Mr. GARFIELD. What nest?

Mr. CONGER. The committee-room of the Committee on Appropriations.

Mr. GARFIELD. It is not better provided than the room next to it, the room of the Committee on Ways and Means.

Mr. DAWES. Why does the gentleman from Michigan not speak of the Committee on War Claims? He should not stop until he has gone over the whole ground.

Mr. CONGER. It is singular that I cannot make a remark without the chairmen of these committees attempting to overwhelm me.

Mr. DAWES. The gentleman is overwhelmed by being called upon to state the facts; that is all.

Mr. CONGER. I do not know that I am overwhelmed by the greatness of the chairman of the Committee on Ways and Means, but I may be mistaken about that.

Mr. DAWES. There are very many committees that have just exactly the same appointments as these committees. If the gentleman would only enlarge a little his horizon, his statements would be more correct.

Mr. STARKWEATHER. I would like to say a word or two on this question. I am sorry that our economical chairman should have created so great an excitement about so small a matter. I am willing for one to take the responsibility of voting a fair sum to pay for honest work here. I think the sums we voted to our reading clerks were all right. I voted for them. I do not believe that the country is going to condemn us because in certain cases we have voted that

men who have responsible positions and hard work should have fair pay. This talk about washing our hands and the country holding us responsible for this increase, or rather for voting what we have heretofore voted for these hard-working clerks, is getting up a great excitement about a small matter. If the republican party or the democratic party is ever to be condemned or ought to be condemned, it will not be because it has paid these men these sums.

Why, sir, every day we vote away sums without discussion any one of which would cover and more than cover all that would be necessary to pay these men. For one, I am anxious and willing to vote to the clerks of the Committee on Appropriations and the Committee on Ways and Means and any other clerk that does as much work the sum they ask for here—no, not what they ask for, for they have not asked it. But the committees for which these clerks labor and the members of this House have placed these sums here as a just and fair compensation for them. I scout the idea, I do not believe it, that this country is to be revolutionized in its politics or that the people care one straw about the amount appropriated to pay our working clerks. These clerks are working, some of them, all night in order to get our business ready for us. They are furnishing us with information which is of vast importance to us. The clerks of the Committee on the Judiciary, of the Committee on Appropriations, of the Committee on Ways and Means, and of the Committee on Commerce save us more time and money by the information they furnish us, a great deal more, than it costs us to pay the clerks. Those clerks save as much time by the information as we pay for their labor, and more. I believe this session has been shortened in its labors one month by the knowledge and experience of these men. I am sorry to hear the chairman of the Committee on Appropriations—who I know does it in the interest of economy, but there is no real economy in it—ask that these men shall not be properly paid. I am willing to stand by my vote in favor of paying these men a just and fair compensation.

Mr. GARFIELD. I was discussing the increase in the number of Senate clerks.

Mr. STARKWEATHER. O; they have put on eight or ten clerks, but that is no reason why we should not do justice to our clerks who have earned their money. Neither the gentleman from Ohio nor any one else will lose a vote or the good opinion of any man for standing up squarely for a proposition of this kind.

The question was then taken upon the amendment moved by Mr. HOOPER; and it was not agreed to.

The amendment of the Senate was non-concurred in.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes; and

Joint resolution (H. R. No. 50) amending joint resolution of April 16, 1872, relating to a statue of the late Admiral Farragut.

SUNDRY CIVIL APPROPRIATION BILL.

The eighty-first amendment of the Senate was read, as follows:

For one clerk of the first class, to keep the accounts of the CONGRESSIONAL RECORD, as required by resolution of Congress.

The Committee on Appropriations recommended concurrence.

Mr. DAWES. I move to concur with the addition of the following:

And the clerks of the Committees on Ways and Means and Appropriations shall hereafter receive the compensation now allowed to the assistant Journal clerk, and the amount to pay the same is hereby appropriated.

I believe the House understands the whole merits of this question. They know the services and value of these clerks. This amendment will put them upon precisely the same footing as the assistant Journal clerk, at \$3,000 a year. I move the previous question on the amendment I have offered.

Mr. SAWYER. I desire to offer an amendment to the amendment, in regard to the clerk of the Committee on Commerce.

Mr. DAWES. That can come in as a separate and independent proposition.

Mr. SPEER. It is hardly fair to make a speech and then call the previous question.

Mr. DAWES. The merits of this case are fully understood.

Mr. SPEER. Will the amendment of the Senate be open to debate after the amendment of the gentleman from Massachusetts shall have been acted upon?

Mr. DAWES. Certainly.

Mr. WILLARD, of Vermont. I suggest to the gentleman to put in the specific sum, \$3,000 a year, and not say "the rate of compensation now allowed to the assistant Journal clerk."

Mr. DAWES. I will modify the amendment as suggested.

Mr. SPEER. What do these clerks get now?

Mr. DAWES. They now get \$2,600 each.

The question was taken upon the amendment of Mr. DAWES, and upon a division there were—ayes 54, noes 61; no quorum voting.

Mr. STARKWEATHER. I call for tellers.

Tellers were ordered; and Mr. DAWES and Mr. SPEER were appointed.

The House again divided; and the tellers reported that there were—ayes 80, noes 68.

Before the result of this vote was announced,

Mr. HAWLEY, of Illinois, called for the yeas and nays.

The yeas and nays were ordered, there being 34 in the affirmative; more than one-fifth of the last vote.

The question was taken; and there were—yeas 109, nays 102, not voting 78, as follows:

YEAS—Messrs. Albert, Archer, Arthur, Ashe, Averill, Barnum, Barry, Beck, Berry, Benjamin F. Butler, Roderick R. Butler, Cain, Cessna, Amos Clark, Jr., Comingo, Conger, Cook, Creamer, Crooke, Crossland, Darrall, Davis, Dawes, Dobbins, Duell, Eames, Eldredge, Field, Foster, Frye, Garfield, Giddings, Gooch, Eugene Hale, Robert S. Hale, Hancock, Benjamin W. Harris, Hays, John W. Hazelton, George F. Hoar, Hodges, Hooper, Houghton, Howe, Hynes, Kasson, Kelley, Kellogg, Kendall, Lamison, Lamport, Loughridge, Lowndes, Luttrell, Maynard, Alexander S. McDill, MacDougall, Mills, Mitchell, Moore, Negley, Niblack, O'Brien, O'Neill, Page, Hosea W. Parker, Isaac C. Parker, Pendleton, Perry, Pierce, Pike, James H. Platt, Jr., Purman, Randall, Ransier, Rapier, Rusk, Sawyer, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheldon, Sherwood, Sloan, Sloss, Small, J. Ambler Smith, Snyder, Speer, Stanard, Starkweather, Stone, Stowell, Sypher, Todd, Townsend, Tremain, Waldron, Wells, Whiteley, Charles W. Willard, George Willard, John M. S. Williams, William Williams, Woodford, John D. Young, and Pierce M. B. Young—109.

NAYS—Messrs. Adams, Albright, Atkins, Barber, Bell, Biery, Bland, Blount, Bowen, Bradley, Bromberg, Brown, Buffinton, Bundy, Burckard, Burleigh, Burrows, Caldwell, Cannon, Cason, John B. Clark, Jr., Clements, Stephen A. Cobb, Corwin, Cotton, Crittenden, Crouse, Crutchfield, Donnan, Dunnell, Durham, Fort, Glover, Gunckel, Hagans, Henry R. Harris, Harrison, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Herndon, E. Rockwood Hoar, Hoskins, Hunter, Hutton, Hurlbut, Hyde, Lawrence, Lawson, Lynch, Magee, Marshall, Martin, McCrary, James W. McDill, McLean, Merriam, Milliken, Morrison, Neal, Nunn, Orth, Packard, Pelham, Phelps, Thomas C. Platt, Pratt, Ray, Read, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Saylor, Henry J. Scudder, Smart, A. Herr Smith, H. Boardman Smith, Southard, Sprague, Standiford, Storm, Strait, Strawbridge, Christopher Y. Thomas, Thornburgh, Vance, Wallace, Wells, Jasper D. Ward, Whitehead, Whitehouse, Whitthorne, Wilber, Charles G. Williams, William B. Williams, Willie, James Wilson, Wolfe, and Woodworth—102.

NOT VOTING—Messrs. Banning, Barrere, Bass, Begole, Bright, Buckner, Freeman Clarke, Clayton, Clymer, Clinton L. Cobb, Coburn, Cox, Crocker, Curtis, Danford, DeWitt, Eden, Elliott, Farwell, Freeman, Gunter, Hamilton, Harner, John T. Harris, Hathorn, Gerry W. Hazelton, Hendee, Hereford, Hersey, Holman, Hubbell, Jewett, Killinger, Knapp, Lamar, Lansing, Leach, Lewis, Lofland, Lowe, McKunkin, McKee, McNulta, Monroe, Morey, Myers, Nesmith, Niles, Orr, Packer, Parsons, Phillips, Poland, Potter, Rainey, Rice, William R. Roberts, James C. Robinson, Milton Saylor, John G. Schumaker, Sheets, Lazarus D. Shoemaker, George L. Smith, John Q. Smith, William A. Smith, Stephens, St. John, Swann, Taylor, Charles R. Thomas, Tynner, Waddell, Marcus L. Ward, Wheeler, White, Ephraim K. Wilson, Jeremiah M. Wilson, and Wood—78.

So the amendment of Mr. DAWES to the amendment of the Senate was agreed to.

Mr. SAWYER. I move to amend by adding to the amendment just adopted the following:

And there is hereby appropriated a sum sufficient to make the compensation of the clerk of the House Committee on Commerce equal to \$2,190 per annum for the Forty-third Congress, and no longer.

Mr. G. F. HOAR. I submit that this amendment is not germane to the Senate amendment.

The SPEAKER. The Chair thinks it is.

Mr. SAWYER. As to the merits of this amendment, it is known to most members of the House that the clerk of the Committee on Commerce works very laboriously indeed.

The question being taken on agreeing to Mr. SAWYER's amendment, there were—ayes 41, noes 71; no quorum voting.

Tellers were ordered; and Mr. SAWYER and Mr. ROSS were appointed.

The House divided; and the tellers reported—ayes 81, noes 77.

Mr. BURCHARD called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 82, nays 111, not voting 96; as follows:

YEAS—Messrs. Albright, Archer, Barnum, Barrere, Bradley, Burrows, Roderick R. Butler, Cain, Cannon, Amos Clark, Jr., Coburn, Corwin, Creamer, Duell, Dunnell, Eames, Field, Hagans, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Hays, Gerry W. Hazelton, Hodges, Hoskins, Houghton, Howe, Hynes, Kelley, Kellogg, Kendall, Loughridge, Lowndes, Maynard, Alexander S. McDill, MacDougall, Monroe, Negley, Nunn, O'Neill, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Perry, Purman, Randall, Ransier, Rapier, Rusk, Sawyer, Milton Saylor, Henry J. Scudder, Sener, Sessions, Sheldon, Sherwood, Sloan, J. Ambler Smith, Snyder, Stanard, Starkweather, Stowell, Strawbridge, Sypher, Thornburgh, Todd, Townsend, Tremain, Wallace, Wells, Wheeler, Whiteley, Wilber, George Willard, John M. S. Williams, William Williams, William B. Williams, Willie, and Woodford—82.

NAYS—Messrs. Adams, Albert, Arthur, Ashe, Atkins, Barber, Beck, Bell, Biery, Bland, Blount, Bowen, Bright, Brown, Buckner, Buffinton, Bundy, Burckard, Caldwell, Cessna, John B. Clark, Jr., Clements, Clymer, Stephen A. Cobb, Comingo, Crittenden, Crooke, Crossland, Crouse, Crutchfield, Danford, Donnan, Durham, Eldredge, Fort, Frye, Giddings, Glover, Gunckel, Gunter, Hancock, Henry R. Harris, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Herndon, E. Rockwood Hoar, George F. Hoar, Hunter, Hutton, Hurlbut, Hyde, Kasson, Knapp, Lamar, Lawrence, Lawson, Leach, Lofland, Lowe, Lynch, Magee, Marshall, Martin, McCrary, James W. McDill, Merriam, Milliken, Mills, Morrison, Niblack, O'Brien, Orth, Hosea W. Parker, Pelham, Pike, Ray, Rice, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Shanks, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Speer, Sprague, Standiford, Stone, Storm, Strait, Christopher Y. Thomas, Tynner, Vance, Jasper D. Ward, Wells, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Charles G. Williams, James Wilson, Wolfe, John D. Young, and Pierce M. B. Young—111.

NOT VOTING—Messrs. Averill, Banning, Barry, Bass, Begole, Berry, Bromberg, Burleigh, Benjamin F. Butler, Cason, Freeman Clarke, Clayton, Clinton L. Cobb, Conger, Cook, Cotton, Cox, Crocker, Curtis, Darrall, Davis, Dawes, DeWitt, Dobbins, Eden, Elliott, Farwell, Foster, Freeman, Garfield, Gooch, Eugene Hale, Hamilton, Harmer, John T. Harris, John W. Hazelton, Hendee, Hereford, Hersey, Holman, Hooper, Hubbell, Jewett, Killinger, Lamison, Lamport, Lansing, Lewis, Luttrell, McKunkin, McKee, McLean, McNulta, Mitchell, Moore, Morey, Myers, Neal, Nesmith, Niles, Orr, Packer, Phelps, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Pratt, Rainey, Read, William R. Roberts, James C. Robinson, Henry B. Saylor, John G. Schumaker, Scofield, Isaac W. Scudder, Sheats, Lazarus D. Shoemaker, Sloss, Small, George L. Smith, William A. Smith, Stephens, St. John, Swann, Taylor, Charles R. Thomas, Waddell, Waldron, Marcus L. Ward, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, and Woodworth—96.

So the amendment of Mr. SAWYER was not agreed to.

The amendment of the Senate, as amended, was concurred in.

Mr. GARFIELD. I move to suspend the rules so that all the remaining amendments of the Senate to this bill may be non-concurred in, and a conference with the Senate be asked on the disagreeing votes of the two Houses. I make this motion in order to get the bill to a conference as speedily as possible and to save the time of the House.

Several MEMBERS. That is right.

Mr. KELLOGG. I have an amendment which I would like to refer to the committee before that is done.

Mr. BUTLER, of Massachusetts. I desire to know what the committee are going to do with civil service?

Mr. GARFIELD. We have recommended non-concurrence in the amendment on that subject.

Mr. BUTLER, of Massachusetts. Is that merely formal, and are you going to drop it?

Mr. GARFIELD. The Committee on Appropriations were overwhelmingly on that side. That is all I have to say. The gentleman cannot get anything more than non-concurrence, so far as I can see.

The question being on seconding the motion to suspend the rules, tellers were ordered; and Mr. GARFIELD and Mr. KELLOGG were appointed.

The House divided; and the tellers reported ayes 123, noes not counted.

So the motion was seconded.

The question then recurring on agreeing to the motion to suspend the rules, it was agreed to, two-thirds voting in favor thereof.

The SPEAKER subsequently announced the appointment of Mr. GARFIELD, Mr. HALE of Maine, and Mr. NIBLACK as the committee of conference on the part of the House.

TARIFF AND INTERNAL REVENUE.

Mr. DAWES. The bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes, has been returned from the Senate with amendments. I move that the rules be suspended so as to non-concur in all the amendments and ask a conference with the Senate on the disagreeing votes of the two Houses. If the House will indulge me a few moments, I will make a brief explanation.

The Senate has added no item whatever to this bill; all its amendments are in the line of reduction. I should be glad if the House would concur in every one of these amendments. Any motion to that effect would take precedence of a motion to non-concur. Any gentleman who will send for the bill as printed by the Senate with the amendments of its committee will see just what the Senate has done, with a few exceptions. I will state those exceptions: On the sixth page the Senate committee proposed to strike out a proviso which has not been struck out in the Senate. They also proposed to strike out from the free list quicksilver, which has not been struck out. Every other amendment of the Senate committee has been agreed to by the Senate. At this late hour I apprehend that the best method of proceeding would be to concur in these amendments, but I am urged by gentlemen about me to make the motion I have made, which is to suspend the rules, non-concur, and ask a conference.

Mr. TREMAIN. Will the motion to concur be in order?

The SPEAKER. Not in that form. If the bill came up in regular order the question would be, of course, on concurring in the amendments. But by a suspension of the rules the negative vote of non-concurrence may be made.

Mr. STARKWEATHER. I hope we will non-concur. It strikes out the only important thing in the bill, and that is the tax on bonds &c., which by a majority of four to one was passed by this House. I hope the Committee on Ways and Means will keep it in.

Mr. SPEER. Does the gentleman propose to impose a tax on United States bonds?

Mr. SAYLER, of Ohio. I should like to ask the gentleman from Massachusetts [Mr. DAWES] whether this amendment strikes out the additional tax on hops?

Mr. DAWES. It leaves the tax on hops as under existing law.

The SPEAKER. The pending motion is to suspend the rules and non-concur in the remaining amendments of the Senate so as to send the bill to a committee of conference.

Mr. RANDALL. Is not a motion to concur the first motion in order?

The SPEAKER. It would be if we were acting under the rules, but the gentleman now moves to suspend the rules and non-concur in the remaining Senate amendments.

Mr. STARKWEATHER. I hope the Committee on Ways and

Means will permit the sense of the House to be tested in reference to the amendment taxing bonds, &c.

Mr. DAWES. That is the difficulty of the motion.

Mr. STARKWEATHER. I should like to have a vote in the House on the question of taxing bonds and stocks, &c., to see whether the New York Stock Exchange controls this House or whether this House controls the New York Stock Exchange.

Mr. DAWES. I insist on the motion to suspend the rules and non-concur in the remaining amendments of the Senate.

The motion to suspend the rules was seconded.

So (two-thirds voting in favor thereof the rules were suspended) and the remaining amendments of the Senate were non-concurred in.

Mr. GARFIELD. I move there be a committee of conference appointed on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER appointed as managers of said conference on the part of the House, HENRY L. DAWES of Massachusetts, W. D. KELLEY of Pennsylvania, and JAMES B. BECK of New York.

ENROLLED BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

An act (H. R. No. 1767) to change the name of the steamboat Kitty Strang;

An act (H. R. No. 3211) to change the name of the schooner Delmar;

An act (H. R. No. 3422) for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall;

Joint resolution (H. R. No. 114) to fill a vacancy in the board of managers of the National Home for Disabled Volunteer Soldiers; and

Joint resolution (H. R. No. 115) for the relief of certain clerks and employes of the United States.

LEAVE TO PRINT.

Mr. YOUNG, of Georgia, by unanimous consent, was granted leave to print in the RECORD some remarks on the bill (H. R. No. 3777) to abolish the southern claims commission. (See Appendix.)

SUSPENSION OF THE RULES.

Mr. RANDALL. Mr. Speaker, I am directed by the Committee on Rules to report the following:

The Clerk read as follows:

Resolved, That the one hundred and forty-fifth rule of the House be amended by striking out the word "ten" and insert in lieu thereof the word "six."

Mr. RANDALL. The Committee on Rules are unanimously in favor of this change of the rules.

Mr. DAWES. That is in reference to the suspension of the rules during the last ten days of the session.

Mr. RANDALL. The rule at present gives opportunity during the last ten days of the session to suspend the rules and pass bills. Recent events show it is too long a time, and the Committee on Rules have directed me to report this so as to confine the opportunity for suspension of the rules at the close of the session to a legislative week of six days.

Mr. GARFIELD. That ought to be done by all means.

The resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EVENING SESSION.

Mr. GARFIELD. I hope we will now have a recess to half past eight this evening. We can certainly get through if the House will stay to-night long enough to finish the post-office appropriation bill and the river and harbor appropriation bill.

STENOGRAPHERS OF COMMITTEES.

Mr. MAYNARD. I have a further report to make from the Committee on Rules.

Mr. ELDRIDGE. I do not think we should undertake to amend the rules in the closing hours of the session.

The SPEAKER. This amendment is imperatively necessary under the circumstances.

Mr. GARFIELD. I hope gentlemen will allow it to be offered; it is absolutely necessary.

The Clerk read as follows:

Resolved, That rule — be amended by adding, after the word "House" in the first line, the words "including stenographers of committees."

The SPEAKER. The Clerk will read the rule which it is proposed to amend. It is a rule which was adopted this session.

The Clerk read as follows:

The appointment and removal of the Official Reporters of the House shall be vested in the Speaker, and in addition to their other duties —

Mr. MAYNARD. That is sufficient. The whole rule need not be read.

The SPEAKER. The amendment is to insert after the words "Official Reporters of the House" the words "including stenographers of committees."

Mr. SPEER. That is right.

Mr. MAYNARD. I wish to say that in addition to the Official Reporters engaged in reporting our debates are two stenographers employed to report for committees. The amendment to the rules which I have offered is that the Speaker shall have the appointment and the removal of the stenographers precisely as he has the appointment and removal of the reporters of the debates.

The amendment to the rule was adopted.

Mr. MAYNARD moved to reconsider the vote by which the amendment to the rule was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I renew my motion that the House take a recess until half past eight o'clock.

The motion was agreed to.

And thereupon (at four o'clock and fifty minutes p. m.) the House took a recess until eight o'clock and thirty minutes p. m.

EVENING SESSION.

The recess having expired, the House resumed its session at eight o'clock and thirty minutes p. m.

CHANGE OF LOCATION OF NATIONAL BANK.

Mr. RANDALL. I ask unanimous consent that the bill (S. No. 930) authorizing the Farmers' National Bank of Greensburgh, Pennsylvania, to change its location and name may be taken from the Speaker's table and passed.

The bill was read. It provides for the removal of the Farmers' National Bank of Greensburgh, in the county of Westmoreland, State of Pennsylvania, to the city of Pittsburgh, county of Alleghany, in said State, and for changing the name to the Fifth National Bank of Pittsburgh, Pennsylvania.

Mr. MERRIAM. Will the gentleman accept an amendment, providing that all the expenses, including those of engraving, involved in the change of location shall be borne by the bank?

Mr. RANDALL. I accept that amendment.

The amendment was agreed to.

The bill, as amended, was read three times and passed.

SIR LAMBTON LORRAINE.

Mr. ORTH, by unanimous consent, from the Committee on Foreign Affairs, reported adversely on the joint resolution (H. R. No. 88) tendering the thanks of Congress to Sir Lambton Lorraine, of the British navy; and the same was laid on the table, and the accompanying report ordered to be printed.

AMERICAN SHIP-BUILDING.

Mr. NEGLEY, by unanimous consent, from the Committee on Commerce, made a report in writing on the resolutions passed by the Legislature of Pennsylvania in favor of the building of American ships by American mechanics and out of American materials, and moved that it be printed, and recommitted to the Committee on Commerce.

The motion was agreed to.

E. & J. KOCH.

Mr. SYPHER. There is a bill now on the Private Calendar which was considered by the Committee on Ways and Means and unanimously reported back by that committee. I ask that it may now be put upon its passage.

The bill (S. No. 552) to refund to E. & J. Koch certain customs-duties was read. It authorizes the Secretary of the Treasury to refund to Messrs. E. & J. Koch \$2,916.65, gold, being the amount paid by them in the New Orleans customs district on an importation of machinery for the manufacture of beet-root sugar in the year 1873.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MANAGEMENT OF POST-OFFICE DEPARTMENT.

Mr. STOWELL, by unanimous consent, from the Committee on the Post-Office and Post-Roads, presented a report in writing on the management of the Post-Office Department; which was ordered to lie on the table and be printed.

CHINA MAIL SERVICE.

Mr. STOWELL also gave notice that he would file a minority report on the China Mail Service.

CHANGE OF LOCATION OF NATIONAL BANK.

Mr. HAWLEY, of Connecticut, by unanimous consent, introduced a bill (H. R. No. 3778) changing the name and location of the Pittsfield National Bank; which was read a first and second time.

The bill provides for changing the location of the Pittsfield National Bank, New Hampshire, and changing its name to the Second National Bank of Manchester, Hillsborough County, in said State.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. SYMPSON, one of their clerks, informed the House that the Senate had disagreed to the report of the committee of conference on the bill (H. R. No. 3094) making appro-

priations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. WINDOM, Mr. ALLISON, and Mr. DAVIS to be the managers of the conference on the part of the Senate.

The message further announced that the Senate insisted on its amendments to the bill (H. R. No. 3600) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked for by the House on the disagreeing votes of the two Houses, and had appointed Mr. MORRILL, of Maine, Mr. SARGENT, and Mr. STEVENSON to be the conferees on the part of the Senate.

The message further announced that the Senate insisted on its amendments to the bill (H. R. No. 3572) to amend existing customs duties and internal-revenues laws, and for other purposes, disagreed to by the House of Representatives, and had appointed Mr. THURMAN, Mr. MORRILL of Vermont, and Mr. BAYARD to be the conferees on the part of the Senate.

The message further announced that the President of the Senate *pro tempore* had appointed Mr. MORRILL of Maine and Mr. HAMILTON of Maryland members on the part of the Senate of the joint committee authorized to be appointed by the fifth section of the act for the government of the District of Columbia, and for other purposes.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

The bill (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company; and

The bill (H. R. No. 2892) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be a commodore.

COMMITTEE ON THE LIBRARY.

Mr. FRYE. I ask unanimous consent to offer the following resolution:

Ordered, That the Joint Committee on the Library be authorized to sit during the recess.

Mr. ELDRIDGE. I object.

Subsequently Mr. ELDRIDGE said: I desire to withdraw my objection to the granting of leave to the Committee on the Library to sit during the recess. I understand that they are to sit at their own expense, and merely to vote upon some propositions in regard to statuary. I had supposed that it was intended that they should sit here to carry on investigation during the summer.

Mr. FRYE. O, no; it is only proposed that they shall sit to vote upon certain propositions regarding statuary.

The resolution offered by Mr. FRYE was agreed to.

MAJOR J. W. NICHOLLS.

Mr. PARKER, of Missouri. I ask unanimous consent that the bill (S. No. 769) for the relief of Major J. W. Nicholls, paymaster United States Army, be put upon its passage.

The bill was read for information. It directs that there be paid to Major J. W. Nicholls, paymaster United States Army, the sum of \$4,500, erroneously charged due and paid by him in the settlement of his accounts.

Mr. SPEER. I must object unless some explanation be made.

Mr. PARKER, of Missouri. I will explain the matter. This is a Senate bill for the relief of a paymaster now in the Army and who has been a great many years in the Army. When this bill was introduced in the Senate I introduced a similar bill in the House, in the hope that the Committee on Military Affairs would have time to consider it; but the pressure of business has been such upon them that the bill has not been considered. I have talked with most of the gentlemen of that committee and stated the facts of the case to them, and I think I may say that they approve the bill. I have investigated the case myself, and many gentlemen upon the floor, especially the Tennessee delegation, are familiar with the facts in the case. It is a case where a mistake was made in the payment of money to Paymaster Nicholls of this amount which is named in the bill. I hold in my hand papers which show the facts to be as I have stated. There is no question as to the honesty and integrity of this officer. He is indorsed by nearly all the principal officers of the Army from General Meade down. The bill has unquestionably merit in it, and I think there can be no opposition to it. I call it up at the request of a sister of the claimant who is here, while Paymaster Nicholls is away upon the frontier attending to his duties. My friend from Tennessee [Mr. MAYNARD] has full knowledge of the facts in the case, and is able to corroborate what I have said.

Mr. MAYNARD. I have been acquainted with Paymaster Nicholls for many years, and I take great pleasure in corroborating what has been said by the gentleman from Missouri. I will not take up time by going into the merits of the case in detail.

Mr. SPEER. I object to the bill.

HOT SPRINGS RESERVATION IN ARKANSAS.

Mr. MOREY. I ask unanimous consent to call up the bill (H. R. No. 608) extending the time for filing suits in the court of claims to establish title to the Hot Springs reservation in Arkansas.

Mr. SNYDER. I object to that bill.

THOMAS HUGHES.

Mr. WILSON, of Iowa. I ask unanimous consent to report from the Committee on War Claims the bill (S. No. 875) for the relief of Thomas Hughes.

The bill was read for information. It directs the accounting officers of the proper Department to settle and pay the late Lieutenant Thomas Hughes, regimental quartermaster Twenty-eighth Iowa Volunteer Infantry, who was mustered out of the service on the 1st of June, 1865, but who actually performed service under the orders of Colonel Bonneville at Benton barracks, Saint Louis, Missouri, until the 8th of July, 1865, his full pay and perquisites for all the time that he actually served.

No objection being made, the report was received.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WILSON, of Iowa, 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.

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER. I ask unanimous consent that the request of the Senate be granted for a new conference upon the disagreeing votes of the two Houses on 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.

No objection was made, and it was so ordered.

The SPEAKER appointed, as conferees on the part of the House, Mr. TYNER, Mr. CANNON of Illinois, and Mr. MARSHALL; the same conferees as before, except that Mr. CANNON of Illinois was appointed in the place of Mr. PACKER, who is absent.

ORDER OF BUSINESS.

Mr. GARFIELD. I desire to make a suggestion to the House. So far as the appropriation bills are concerned, the only necessity for the House remaining here is to obtain the reports of the committees of conference on the post-office appropriation bill and the river and harbor appropriation bill and act upon them. It will take a good portion of the night to complete the work on the sundry civil appropriation bill, which is now in conference. But if we can get the post-office and the river and harbor appropriation bills through to-night, so as to send them to the enrolling clerks to be finished by the morning, we shall have for to-morrow only the report of the committee of conference on the sundry civil bill to dispose of.

Mr. ELDREDGE. What time is it expected the reports upon those bills will be here?

Mr. GARFIELD. I understand that the report on the river and harbor appropriation bill is nearly completed and will be ready probably in the course of half or three-quarters of an hour. The report of the committee of conference on the post-office bill has been rejected, and a second conference has been appointed, and it will take an hour or more for them to prepare their report.

Mr. ELDREDGE. Had we not better take a recess until about the time we may expect those reports? The gentleman from Ohio [Mr. GARFIELD] knows, as we all know, that most of the legislation transacted at this hour of the session is mischievous—legislation which absolutely should not be done.

Mr. GARFIELD. I know that. I think the report on the river and harbor bill will be here in perhaps ten or fifteen minutes.

Mr. COBB, of Kansas. There is one important bill not yet returned from the Senate, and that is the post-route bill.

Mr. GARFIELD. It will not take long to dispose of that.

The SPEAKER. The House will now resume the consideration of business upon the Speaker's table under the two-thirds rule.

MRS. NANCY DAY.

The first business on the Speaker's table was the bill (S. No. 277) making an appropriation for the payment of \$792.46 due the late James L. Day, of Connecticut, for transporting the mails over post-route No. 8151.

The bill appropriates the sum of \$792.46 to Mrs. Nancy Day, widow of the late James L. Day, of Connecticut, being the balance found due said James L. Day on the 31st day of May, 1861, the time of adjusting an account with him for transporting the mails over post-route No. 8151, which amount remains unpaid.

Mr. STARKWEATHER. I move that that bill be passed.

Mr. ELDREDGE. I think this bill should be referred to the Committee on the Post-Office and Post-Roads. [After a pause.] I will withdraw my objection. I understand the gentleman from Connecticut [Mr. STARKWEATHER] is willing to husband the bill; whether he is the claimant or not, I do not know.

No objection being made, the bill was read three times, and passed.

HAZING AT NAVAL ACADEMY.

The next business on the Speaker's table was the bill (S. No. 849) to prevent hazing at the Naval Academy.

The bill provides that in all cases when it shall come to the knowledge of the Superintendent of the Naval Academy, at Annapolis, that any cadet midshipman or cadet engineer has been guilty of the offense commonly known as hazing, it shall be the duty of said superintendent

to order a court-martial, composed of not less than three commissioned officers, who shall minutely examine into all the facts and circumstances of the case and make a finding thereon; and any cadet midshipman or cadet engineer found guilty of said offense by said court shall, upon recommendation of said court, be dismissed; and such finding, when approved by said superintendent, shall be final; and the cadet so dismissed from said Naval Academy shall be forever ineligible to reappointment to said Naval Academy.

Mr. SPEER. Does that apply to offenses committed before this time?

Mr. ARCHER. It does not. I move that the rules be suspended and the bill passed.

Mr. CLYMER. Was not a bill of this character voted down in this House some time ago?

Mr. ARCHER. It was not. I asked unanimous consent to have this bill put upon its passage and it was not given.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

EDMUND RANDOLPH.

The next business on the Speaker's table was the bill (S. No. 443) to provide for the payment of legal services rendered by Edmund Randolph to the United States.

The bill provides that there shall be paid, out of any money in the Treasury not otherwise appropriated, the sum of \$12,000 to the legal representatives of the late Edmund Randolph, of California, in full satisfaction and discharge of balance of professional services rendered by him in the cases of *The United States vs. John Parrott* and others, and *Andres Castellero vs. The United States*, provided that on receipt of said sum the said legal representatives shall execute a full discharge of all claims in favor of the estate of said Randolph against the United States.

Mr. SPEER. In my judgment that bill should not pass. It appropriates \$12,000.

Mr. HOUGHTON. A similar bill has been considered by the Committee on the Judiciary of the House and reported favorably upon by them. I move that the rules be suspended and the bill passed.

Mr. KENDALL. This is not one-half the amount that should be allowed him.

Mr. LUTTRELL. Mr. Randolph reported five large volumes, some hundreds of pages in each volume, besides other services.

Mr. POLAND. A similar bill was introduced in this House and referred to the Committee on the Judiciary, by whom it was unanimously reported. It is now on the Calendar.

Mr. HOUGHTON. This amount is due under a contract made with the Government by Mr. Randolph in his life-time.

The motion to suspend the rules was seconded.

The question being on agreeing to the motion, there were—ayes 62, noes 24; no quorum voting.

Tellers were ordered, and Mr. HOUGHTON and Mr. SPEER were appointed.

Mr. LUTTRELL. This bill has been reported—

Mr. SPEER. I object to debate.

The House divided; and the tellers reported—ayes 104, noes 43.

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

NATIONAL PARK ON THE ISLAND OF MACKINAC.

The next business on the Speaker's table was the bill (S. No. 28) to set apart a certain portion of the island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park.

The bill was read, as follows:

Be it enacted, &c., That so much of the island of Mackinac, lying in the Straits of Mackinac, within the county of Mackinac, in the State of Michigan, as is now held by the United States under military reservation or otherwise, (excepting the Fort Mackinac and so much of the present reservation thereof as bounds it to the south of the village of Mackinac, and to the west, north, and east respectively by lines drawn north and south, east and west, at a distance from the present fort flag-staff of four hundred yards,) hereby is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a national public park or grounds, for health, comfort, and pleasure, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as herein provided, shall be considered trespassers and removed therefrom.

SEC. 2. That said public park shall be under the exclusive control of the Secretary of War, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes of small parcels of ground, at such places in said park as shall require the erection of buildings for the accommodation of visitors, for terms not exceeding ten years; all of the proceeds of said leases, and all other revenues derived from any source connected with said park, to be expended, under his direction, in the management of the same and in the construction of roads and bridge-paths therein. He shall provide against the wanton destruction of game or fish found within said park, and against their capture or destruction for any purposes of use or profit. He also shall cause all persons trespassing upon the same, after the passage of this act, to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

SEC. 3. That any part of the park hereby created shall at all times be available for military purposes, either as a parade or drill-ground in time of peace, or for complete occupation in time of war or whenever war is expected, and may also be used for the erection of any public buildings or works: *Provided,* That no person shall ever claim or receive of the United States any damage on account of any future amendment or repeal of this act, or the taking of said park, or any part thereof, for public purposes or use.

During the reading of the bill, Mr. HALE, of New York, said: Mr. Speaker, is it in order to move to suspend the rules so that the further reading of the bill be dispensed with and that it be referred to the Committee on the Public Lands? I make that motion.

The SPEAKER. The first motion in order is to put the bill on its passage upon a two-thirds vote. If that fails the Chair will put the question upon the motion of the gentleman from New York, [Mr. HALE.] The reading of the bill will be completed.

The Clerk concluded the reading of the bill.

Mr. COBURN. The Committee on Military Affairs have had this bill under consideration while it has been on the Speaker's table, and have unanimously directed me to ask that it be amended by striking out in the second section the clause from lines 8 to 16, which provides that a part of this land may be leased. We also propose to amend by adding to the bill a provision that "the United States shall not be liable for any demands connected with any improvement thereof, nor incur any expenses for such improvement, nor become committed to any future appropriation therefor."

If these amendments be made, all that will remain of the bill will be a declaration that these grounds shall be a national park under the care and protection of the military authorities, who will be authorized to control the same and to keep off trespassers.

Mr. HALE, of New York. I wish to ask by what authority the Committee on Military Affairs has had this bill under consideration since it has been upon the Speaker's table?

Mr. COBURN. We have had it under consideration informally.

Mr. HALE, of New York. I do not understand that it is within the jurisdiction of the Military Committee to take bills from the Speaker's table and report favorably upon them. I think the bill should go to the Committee on the Public Lands, and I trust the House will send it there.

Mr. COBURN. It is no new practice for committees of the House to consider informally bills upon the Speaker's table.

Mr. ELDREDGE. It is a much more important question by what right the military authority should control the public lands. I do not believe in placing the public lands under such control. I think they should be controlled by the civil authorities.

Mr. COBURN. Questions relating to the military reservations, their enlargement, diminution, or other disposition of them, have been put under the control of the military authorities.

Mr. ELDREDGE. This is not a military reservation.

Mr. COBURN. There is a military reservation there.

Mr. ELDREDGE. As I understand, this reservation is a public park.

Mr. COBURN. It is not, except in name.

Mr. SPEER. How many acres are embraced in this park?

Mr. COBURN. The exact number cannot be definitely stated; but it is something like five or six hundred acres.

Mr. SPEER. Does the gentleman suppose that his amendment will prevent parties coming to succeeding Congresses and asking appropriations to pay for the improvement of this park?

Mr. COBURN. If the gentleman had listened to the reading of the bill he would have learned that this ground is not to be given to anybody. It is merely a military reservation, of which it is now proposed to make a national park.

Mr. SPEER. What do you mean by calling it a park and then declaring that the Government shall never be liable for any expenditures for its improvement?

Mr. ELDREDGE. I would like the gentleman from Indiana [Mr. COBURN] to read that portion of the bill which appropriates this land for a military reservation. I did not gather any such intention from the bill. If it be the object to reserve this ground for military purposes without any necessity for that, then I am opposed to it.

Mr. COBURN. There is nothing in the bill contrary to the idea of a military reservation.

Mr. SPEER. This bill, as I understand, will simply commit the Government to an expenditure of thousands of dollars hereafter for the improvement of this park.

Mr. HALE, of New York. I rise to a question of order. Some time ago I moved that the rules be suspended and that this bill be referred to the Committee on the Public Lands.

Mr. SPEER. I raise the point of order that the amendment of the gentleman from Indiana [Mr. COBURN] is not in order on a motion to suspend the rules.

Mr. HALE, of New York. I ask that the question be put on my motion.

The SPEAKER. While proceeding with these bills upon the Speaker's table, it has been the habit to recognize in the first place a motion to suspend the rules and pass the pending bill. The Chair supposed the gentleman from Michigan [Mr. CONGER] was on the floor for that motion.

Mr. CONGER. I rose for that purpose; I only waited that the chairman of the Committee on Military Affairs [Mr. COBURN] might present his amendment, to which there can be no possible objection. It is in furtherance of the object of the bill. This Gibraltar of the lakes must always be kept by this Government as a military reservation against all comers. It never can be surrendered for any other purpose. It is a large, rocky elevation in the straits commanding the entrance to Lake Michigan; and the Government can never abandon it as a military reservation. The object of this bill is to dedicate this

reservation, subject to military use, to the people of the United States, thousands of whom have for a long period of years flocked there during the heats of summer from all parts of the South and Southwest.

But sometimes the military station is not kept up, the troops being away. Sometimes strangers and others trespass upon the land and destroy the beautiful groves there and mutilate the sugar loaves and other curiosities. It is necessary this should be preserved as a national park, subject to military authority. There can be no objection to dedicating it to the whole American people as a place of summer resort during the hot weather.

Mr. SPEER. Cannot the people go there now if they wish to?

Mr. CONGER. Yes; but they will be under the control of every martinet, whether he be a lieutenant or corporal, who happens to be there. Those who now go there are liable to the annoyance of being interfered with by every military officer, as every man knows of the thousands who seek that resort in the summer. It is in the interest of those who seek to go up this mountain during the summer for pleasure. We wish to do away with this martinet interference by these military officers, and to make it a place really of pleasure resort during the summer.

Mr. ELDREDGE. It seems to me there is an impropriety in turning this military reservation into a national park. The gentleman says every military martinet will interfere with every one who goes there for pleasure, and yet he puts it under military authority. He says this bill does not provide for any such thing, when the bill provides for its being a national park, and yet places it under military authority. It does that and nothing else.

Mr. CONGER. This bill makes it a national park and not a parade-ground for military martinets.

The question recurred on the motion of Mr. COBURN to suspend the rules and pass the bill with the amendment indicated.

The motion to suspend the rules was seconded.

Two-thirds not voting in favor thereof, the House refused to suspend the rules on Mr. COBURN's motion.

Mr. HALE, of New York. I now move to suspend the rules and refer the bill to the Committee on the Public Lands.

Mr. COBURN. I move to substitute for that a motion to suspend the rules and refer the bill to the Committee on Military Affairs.

Mr. HALE, of New York. I hope not, as it ought to be referred to the Committee on the Public Lands.

The SPEAKER. The question will first recur on the motion of the gentleman from New York, [Mr. HALE.]

The motion to suspend the rules was seconded.

The House refused to suspend the rules, (two-thirds not voting in favor thereof,) and the bill was not referred to the Committee on the Public Lands.

The question then recurred on the motion of Mr. COBURN to suspend the rules and refer the bill to the Committee on Military Affairs.

The motion to suspend the rules was seconded.

The House refused to suspend the rules, (two-thirds not voting in favor thereof,) and the bill was not referred to the Committee on Military Affairs.

The SPEAKER. The bill remains on the Speaker's table.

FISS UNIVERSITY.

The next business on the Speaker's table was a bill (S. No. 313) to confirm the purchase of a portion of the site of Fort Houston, at Nashville, Tennessee, and to provide for the donation of the same to the Fisk University for educational purposes; also to confirm the purchase of certain land at Fort Hamilton, New York.

The bill, which was read, provides in its first section that the purchase by the United States, on the 21st day of August, 1865, from Russell Houston, of certain land, consisting of about three and one-fourth acres, situate in the city of Nashville, Tennessee, with the buildings thereon standing, and being the same premises described in a deed of said date from said Houston to the Chief Engineer of the Army, in trust for the United States, recorded in book 35, page 241, in the register's office of Davidson County, Tennessee, be, and the same thereby is, ratified, sanctioned, and confirmed, so that the said purchase, and the said deed thereupon executed, shall have the same legal validity and effect as if the same had been by a previous act of Congress specifically authorized.

The second section provides that the Secretary of War be, and he thereby is, authorized and directed to grant and convey to the Fisk University of Nashville, Tennessee, all the right, title, interest, and estate of the United States in and to said tract of land for educational purposes; provided that no further expense relative thereto shall be incurred by the United States; and provided further that the trustees of the said Fisk University be, and they are thereby, authorized to sell and dispose of the above-described property at their discretion and to use the proceeds elsewhere for educational purposes in connection with the said Fisk University.

The third section provides that the purchase, by order of the executive department, under an authority supposed to be conferred by the act of February 20, 1862, making appropriations for the construction, &c., of certain fortifications, &c., of certain land at Fort Hamilton, New York, consisting of about twenty-one acres, as a site for additional batteries, and conveyed to the United States by deed of Julia Delaplaine, of September 9, 1862, which said deed has been pronounced by the Attorney-General, by opinion of November 22, 1862,

to vest a good and valid title in the United States, and upon which said land the said batteries have been duly constructed, be, and the same thereby is, confirmed.

Mr. HARRISON. I hope I will be indulged a moment to say to the House that bill passed the House at the last session, having been very thoroughly examined by the Committee on the Public Lands. So far as it refers to the land at Nashville proposed to be donated to the Fisk University, it is not of great value. It is probably worth from three to five thousand dollars. It lies not far from the location selected for the Fisk University, the finest school for colored people anywhere in the United States.

The object is a very good one. This property cannot be of any service to the United States unless it is directed to be sold and the proceeds paid into the Treasury. The donation really amounts to about \$5,000. There was a question as to whether the title was vested in the United States, and this bill was introduced and has been passed by the Senate to confirm the title so far as congressional action can do it. Mr. Houston, the party from whom the purchase was made, claimed that he still had an interest in the property, as he insisted that the United States having ceased to use it for military purposes the title had reverted to him under the contract with the Secretary of War. I hope the bill will be passed.

The rules were suspended (two-thirds having voted in favor thereof) and the bill was passed.

ORDER OF BUSINESS.

Mr. CASON. I ask unanimous consent to call up from the Private Calendar a very meritorious bill, for the purpose of putting it upon its passage.

Several members called for the regular order.

The SPEAKER. The regular order being called for, the House will continue the consideration of bills on the Speaker's table in their order.

AMERICAN FORK RAILWAY COMPANY.

The next business on the Speaker's table was the bill (S. No. 332) granting to the American Fork Railway Company a right of way through the public lands for the construction of a railroad and telegraph.

The bill was read.

Mr. HOUGHTON. I move that the rules be suspended and that the bill be passed.

Mr. CLYMER. I hope that the bill will not be passed.

Mr. RANDALL. Will the gentleman from California [Mr. HOUGHTON] state what width of land is granted for right of way?

Mr. HOUGHTON. Two hundred feet; one hundred feet on each side of the railroad.

Mr. CLYMER. It is merely a horse-railroad.

Mr. HALE, of New York. The bill ought to go to the Committee on the Public Lands.

Mr. CLYMER. This bill has this extraordinary provision in it: that while this is a mere narrow-gauge road, the bill grants ten acres for every four miles of road for station purposes; while the rule of the Committee on the Public Lands has been to grant only ten acres for every ten miles. The bill has never been considered by our committee, and I hope it will not pass.

The question being taken on suspending the rules and passing the bill, two-thirds did not vote in the affirmative, and the rules were not suspended.

Mr. HALE, of New York. I move that the bill be referred to the Committee on the Public Lands.

The bill was referred to the Committee on the Public Lands, two-thirds voting in favor thereof.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed a bill (S. No. 926) referring the case of Joseph Wilson to the Court of Claims; in which the concurrence of the House was requested.

SIERRA IRON COMPANY.

The next business on the Speaker's table was the bill (S. No. 514) granting to the Sierra Iron Company a right of way through the public lands for a railroad and telegraph.

Mr. HOUGHTON. I move that the rules be suspended and that the bill be passed.

Mr. CLYMER. I would like to state once for all, with reference to these grants of land for right of way through the public domain, that the Committee on the Public Lands have adopted certain rules with regard to the width of land to be granted for that purpose, with regard to the quantity of land to be given for stations, and with regard to crossings with other roads, so that we may have a uniform system applicable to all these bills. And if the House will pass these bills in this way without their being reported on by the Committee on the Public Lands, they will destroy the effort on the part of that committee to establish a uniform system.

Mr. HOUGHTON. This bill is in conformity with a number of bills that have already passed.

The question being taken on suspending the rules and passing the bill two-thirds did not vote in favor thereof, and the rules were not suspended.

Mr. HALE, of New York. I move that it be referred to the Committee on the Public Lands.

The bill was referred to the Committee on the Public Lands, two-thirds having voted in favor thereof.

EXAMINATION OF BOUNTY-LAND WARRANTS.

The next business on the Speaker's table was the bill (S. No. 763) to exempt military bounty-land warrants, and the lands obtained thereby, from sale on execution, or by virtue of any order or decree of court.

The bill was read.

Mr. KASSON. Let that bill go to the Judiciary Committee.

Mr. HURLBUT. It ought to go to the Committee on the Public Lands, and I move that it be so referred.

The bill was referred to the Committee on the Public Lands, two-thirds having voted in favor thereof.

DANIEL S. MERSHON, JR.

The next business on the Speaker's table was the bill (S. No. 134) for the relief of Daniel S. Mershon, jr.

The bill was read.

Mr. HAYS. This bill has been considered by the Committee on Naval Affairs, and has been agreed to by that committee both in this Congress and the last.

Mr. SPEER. No bill of this kind, appropriating so large a sum as \$46,000, should pass on the last night of the session without debate.

Mr. HAYS. I move that the rules be suspended and that the bill be passed.

The question being taken on suspending the rules and passing the bill two-thirds did not vote in the affirmative, and the rules were not suspended.

Mr. HALE, of New York. I move that the bill be referred to the Committee on Claims.

Mr. SMITH, of Pennsylvania. The bill ought to be referred to the Committee on War Claims.

Mr. ARCHER. The Committee on Naval Affairs have made an elaborate examination of this case, and the bill ought to go to that committee.

Mr. LAWRENCE. It properly belongs to the Committee on War Claims.

Mr. SPEER. It should go to the Committee on Claims.

The SPEAKER. The first motion was that of the gentleman from New York [Mr. HALE] that the bill should be referred to the Committee on Claims. The Chair will submit that motion.

The question being taken, the rules were suspended, (two-thirds voting in favor thereof,) and the bill was referred to the Committee on Claims.

THE NAVAL MONUMENT.

The next business on the Speaker's table was the bill (S. No. 711) providing for the completion and location of the naval monument.

The bill was read.

Mr. PLATT, of Virginia. I desire to add to the commissioners named in the bill for the purpose of selecting the location for this monument the Commissioner of Public Buildings and the Admiral of the Navy, and with this amendment I move that the rules be suspended and that the bill be passed.

The question being taken on suspending the rules and passing the bill, two-thirds did not vote in the affirmative, and the rules were not suspended.

Mr. HALE, of New York. I move that the bill be referred to the Committee on Public Buildings and Grounds.

The bill was referred to the Committee on Public Buildings and Grounds, two-thirds voting in favor thereof.

VAN R. MORGAN.

The next business on the Speaker's table was the bill (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia.

The bill was read.

Mr. HUNTON. I move that the rules be suspended and that the bill be passed.

Mr. G. F. HOAR. I desire to make a parliamentary inquiry. Can that bill be amended by adding to it the civil-rights bill?

The SPEAKER. The Chair, in pursuance of the order under which the House is acting, must first recognize the gentleman from Virginia, [Mr. HUNTON,] who moves to put the bill on its passage.

The question being taken on suspending the rules and passing the bill, there were ayes 96, noes not counted.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

JOHN JULIUS GUTHERIE.

The next business on the Speaker's table was the bill (S. No. 3252) to remove the disabilities of John Julius Guthrie.

The bill was read.

Mr. RAINEY. I object to that bill being passed.

Mr. PLATT, of Virginia. I move that the rules be suspended and that the bill be passed.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

C. L. STEVENSON.

The next business on the Speaker's table was the bill (S. No. 906) to relieve C. L. Stevenson, of Virginia, of his political disabilities.

Mr. SENNER. I move that the rules be suspended and the bill be passed.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

UNITED STATES DISTRICT COURTS IN LOUISIANA.

The next business on the Speaker's table was the bill (S. No. 88) for the better organization of the district courts of the United States within the State of Louisiana.

Mr. WARD, of Illinois. It is not necessary to read that bill. I move that the rules be suspended and that the bill be referred to the Committee on the Judiciary.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended, and the bill was referred to the Committee on the Judiciary.

CLERKS OF UNITED STATES COURTS.

The next business on the Speaker's table was the bill (S. No. 752) to compel the performance of certain duties by clerks of courts of the United States.

The first section of the bill provides that if any clerk of any district or circuit court of the United States shall willfully refuse or neglect to make any report, certificate, statement, or other document required by law to be by him made, or shall willfully refuse or neglect to forward any such report, certificate, statement, or document to the Department, officer, or person to whom, by law, the same should be forwarded, the President of the United States is empowered, and it is hereby made his duty, in every such case to remove such clerk so offending from office by an order in writing for that purpose. And upon the presentation of such order, or a copy thereof authenticated by the Attorney-General of the United States, to the judge of the court whereof such offender is clerk, such clerk shall thereupon be deemed to be out of office, and shall not exercise the functions thereof. And such judge, in the case of the clerk of a district court, shall appoint a successor; and in the case of the clerk of a circuit court, the circuit judge shall appoint a successor. And such person so removed shall not be eligible to any appointment as clerk or deputy clerk for the period of two years next after such removal.

The second section provides that if any clerk or other officer of the United States mentioned in the preceding section shall willfully refuse or neglect to make or to forward any such report, certificate, statement, or document therein mentioned, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding \$1,000, or by imprisonment not exceeding one year, in the discretion of the court; but a conviction under this section shall not be necessary as a precedent to the removal from office provided for in section 1.

Mr. MAYNARD. It seems to me that this bill ought not to pass. The clerks of the United States courts are created by judicial authority; they are a part of the judiciary, and I think a provision allowing the Chief Executive of the nation to interpose in certain cases and give to him the power of removal is wrong, because that power should remain with the appointing power; that is to say, the courts. I trust, therefore, that this bill will be referred to the Judiciary Committee where it can be amended.

Mr. SENNER. Mr. Speaker, there is great need for the passage of just such a bill as this. The appointing power is in the courts, as the gentleman says, and Judge Busted, of Alabama, appointed his corrupt son-in-law to this office and he defrauded the Government to the extent of \$12,000, and that clerk was not until very recently removed.

Mr. MAYNARD. That is a very good reason why the judge should be impeached, and if the gentleman knows the fact which he states, it is a reason why he should prepare articles of impeachment.

Mr. SPEER. The Attorney-General in his annual report complained of the defect in the law in regard to the appointment of these clerks.

Mr. SENNER. The House virtually passed a bill like this, and they did it at the request of the Attorney-General.

Mr. MAYNARD. I have no doubt the Attorney-General would be glad to run the courts of the United States, and perhaps the President would.

Mr. HALE, of New York. I hope the bill will be referred to the Committee on the Judiciary.

Mr. SENNER. I insist on my motion that the rules be suspended and the bill passed.

The question was taken on Mr. SENNER'S motion; and, on a division, there were ayes 14, noes not counted.

So (two-thirds not voting in favor thereof) the bill was not passed.

Mr. MAYNARD. I move that the rules be suspended and that the bill be referred to the Committee on the Judiciary.

The question was taken, and (two-thirds voting in favor thereof) the rules were suspended and the motion was agreed to.

OXYGEN GAS COMPANY OF THE DISTRICT OF COLUMBIA.

The next business on the Speaker's table was the bill (S. No. 856) to incorporate the Oxygen Gas Company of the District of Columbia.

Mr. SESSIONS. I move that the rules be suspended and that that bill be referred to the Committee on Public Buildings and Grounds.

Mr. BUNDY. I hope the bill will pass, and I move that the rules be suspended for that purpose.

Mr. RANDALL. It seems to me that it ought to be examined by some committee of the House.

The bill was read.

Mr. SESSIONS. I hope this bill will be referred to the Committee on Public Buildings and Grounds.

Mr. MAYNARD. This bill is in opposition to a monopoly, and it ought to pass.

Mr. O'NEILL. I move that it be laid upon the table.

Mr. RANDALL. Has any committee of the House examined the bill? I think it should be referred to the Committee on the District of Columbia.

Mr. BUTLER, of Tennessee. Is it not in order to refer the bill?

The SPEAKER *pro tempore*. There is a motion pending to suspend the rules and pass the bill, which takes precedence.

The question was put on seconding the motion of Mr. BUNDY to suspend the rules and pass the bill; and on a division, there were—ayes 50, noes 60; no quorum voting.

Tellers were ordered; and Mr. BUNDY and Mr. SESSIONS were appointed.

The House divided; and the tellers reported—ayes 69, noes 79.

So the motion to suspend the rules and pass the bill was not seconded.

Mr. HALE, of New York. I move to suspend the rules and refer the bill to the Committee on the District of Columbia.

Mr. BUNDY. I hope the bill will remain on the Speaker's table.

Mr. PELHAM. I moved to refer the bill to the Committee on Public Buildings and Grounds, and I now withdraw that motion.

The SPEAKER *pro tempore*. It was the gentleman from New York [Mr. SESSIONS] who made the motion.

Mr. SESSIONS. I now move that the rules be suspended and the bill be referred to the Committee on the District of Columbia.

Mr. BUNDY. I object to that.

The question was put on seconding Mr. SESSIONS'S motion to suspend the rules; and on a division there were—ayes 74, noes 15; no quorum voting.

Tellers were ordered; and Mr. CESSNA and Mr. SESSIONS were appointed.

Mr. CESSNA. I desire to inquire if this is a Senate bill?

The SPEAKER *pro tempore*. It is.

Mr. CESSNA. If the motion to refer is voted down, will the bill remain upon the Speaker's table?

The SPEAKER *pro tempore*. It will.

Mr. CESSNA. I hope the House will then refuse to refer.

Mr. O'NEILL. I hope the House will refer the bill and get it out of the way.

Mr. SESSIONS. I withdraw the motion to refer.

The SPEAKER *pro tempore*. The motion to refer being withdrawn the bill will remain upon the Speaker's table.

BILLS REFERRED.

The following bills were taken from the Speaker's table, and under a suspension of the rules (two-thirds voting in favor thereof) referred to the Committee on Military Affairs:

A bill (S. No. 323) for the relief of Charles W. Biese, late second lieutenant of the Eighty-second Regiment Illinois Volunteers;

A bill (S. No. 344) for the relief of William Bowlin;

A bill (S. No. 324) for the relief of M. von Entress Fuerstenck, late second lieutenant of the Sixty-eighth New York Volunteers; and

A bill (S. No. 345) for the relief of Alvis Smith.

JOHN SHELTON.

The next business on the Speaker's table was the bill (S. No. 436) for the relief of Lieutenant John Shelton.

The bill directs the Paymaster-General to pay to John Shelton, late lieutenant Company E, Second North Carolina Mounted Infantry, out of any money appropriated for the pay of the Army, the full pay and allowance of a first lieutenant of infantry from the 1st day of September, 1863, to August 16, 1865, less the pay he received as a private in said company.

Mr. VANCE. I move that the rules be suspended and this bill passed.

Mr. GUNCKEL. I move that it be referred to the Committee on Military Affairs.

The SPEAKER *pro tempore*. The question is first upon the motion to suspend the rules and pass the bill.

The House divided; and there were—ayes 23, noes 30; no quorum voting.

Tellers were ordered; and Mr. VANCE and Mr. HURLBUT were appointed.

Mr. VANCE. I have the report of the Senate committee here, and it can be read if desired.

The SPEAKER *pro tempore*. No debate is in order.

The House divided; but before the tellers reported the result of the vote,

Mr. HURLBUT, (one of the tellers) said: I withdraw the demand for any further count.

So the motion to suspend the rules was seconded; and (two-thirds voting in favor thereof) the rules were suspended and the bill passed.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, 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 (H. R. No. 2884) granting the right of way through the public lands to the Arkansas Valley Railway Company;

An act (H. R. No. 2897) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be commodore;

An act (H. R. No. 3506) for the relief of William Tod Helmuth, of New York; and

An act (H. R. No. 3773) to further define and enlarge the powers and duties of the board of health of the District of Columbia.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House now take a recess until eleven o'clock.

Mr. FIELD. I hope not.

Mr. MAYNARD. What is the hour of final adjournment?

The SPEAKER *pro tempore*. No hour is fixed by the order of the two Houses.

Mr. KELLEY. I call for the yeas and nays on the motion for a recess.

The yeas and nays were not ordered, there being only 6 in the affirmative.

The question was taken on the motion for a recess; and upon a division there were—ayes 78, noes 30.

Before the result of this vote was announced,

Mr. PARKER, of Missouri, called for tellers.

Tellers were not ordered, there being 15 in the affirmative, not one-fifth of a quorum.

So the motion was agreed to; and accordingly (at ten o'clock and forty minutes p. m.) the House took a recess until eleven o'clock p. m.

AFTER THE RECESS.

The recess having expired, the House reassembled at eleven o'clock p. m., Mr. WHEELER in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to introduce a bill for the relief of political disabilities.

The SPEAKER *pro tempore*. The Chair does not feel at liberty to entertain that proposition, as the House is engaged in carrying out a previous order, the consideration of business on the Speaker's table, under a suspension of the rules.

Mr. BUTLER, of Massachusetts. I move to suspend the rules for the purpose of passing this bill.

Mr. ELDREDGE. I move that the House take a recess until nine o'clock to-morrow morning.

Mr. BUTLER, of Massachusetts. Why is not my motion in order to suspend the rules?

The SPEAKER *pro tempore*. The House is acting now under a suspension of the rules.

Mr. ELDREDGE. I understand that the post-office and the river and harbor appropriation bills will not be here to-night, and I insist upon my motion for a recess until nine o'clock to-morrow morning.

The motion for a recess was not agreed to.

WILLIAM M. KIMBALL.

The House proceeded to the consideration of business on the Speaker's table; and the next bill was Senate bill No. 455, for the relief of William M. Kimball.

Mr. O'BRIEN. I move that the rules be suspended and this bill referred to the Committee on Military Affairs.

The motion was agreed to, (two-thirds voting in favor thereof;) and the bill was accordingly referred.

ORDER OF BUSINESS.

Mr. BURCHARD. I move that the House take a recess until twelve o'clock p. m.

Mr. CESSNA. I hope that the gentleman will yield to allow me to report a joint resolution from the Judiciary Committee.

Mr. BURCHARD. I cannot yield.

The question being taken on the motion of Mr. BURCHARD, there were—on a division, ayes 72, noes, 30.

Mr. ELDREDGE called for tellers.

Tellers were ordered; and Mr. ELDREDGE and Mr. BURCHARD were appointed.

The House divided; but before the tellers had reported,

Mr. BURCHARD said: I withdraw my motion for the present.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, 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. 277) making an appropriation for the payment of \$792.46 due the late James L. Day, of Connecticut, for transporting the mails over post-route No. 8151;

An act (S. No. 443) to provide for the payment of legal services rendered by Edmund Randolph to the United States;

An act (S. No. 552) to refund to E. and J. Koch certain customs duties;

An act (S. No. 849) to prevent hazing at the Naval Academy; and
An act (S. No. 875) for the relief of Thomas Hughes.

ORDER OF BUSINESS.

Mr. ELDREDGE. I move that the House take a recess till nine o'clock to-morrow morning.

Mr. FIELD. Make it seven.

The question being taken on the motion of Mr. ELDREDGE, there were—ayes 35, noes 42; no quorum voting.

Tellers were ordered; and Mr. ELDREDGE and Mr. ELLIS H. ROBERTS were appointed.

Mr. SPEER. May I ask the Chair when Congress will be compelled to adjourn under the resolution already passed, if no further action be taken on that subject?

The SPEAKER. Unless some arrangement be made for a prolongation of the session, Congress will be compelled to adjourn at eleven o'clock to-morrow.

Mr. SPEER. Then I think we ought not to take a recess until to-morrow morning.

Mr. ELDREDGE. The important bills that are to come over from the Senate will not be here to-night; and we may just as well take a recess till nine o'clock in the morning as to stay here.

Mr. MOREY. I am informed that if we should adjourn *sine die* at eleven o'clock to-morrow morning, it will be impossible to have all the important bills enrolled by that time.

Mr. MAYNARD. If we meet to-morrow morning at nine o'clock it will be very easy to extend the session for a few hours; and that will be much better than staying here to-night at this late hour and trying to legislate.

Mr. KASSON. In view of the fact stated by the gentleman from Louisiana [Mr. MOREY] that the enrolling of the important bills cannot be completed in time if we should adjourn *sine die* at eleven o'clock to-morrow, and in view also of the fact that we cannot act to-night on the important bills yet pending unless we remain here very late, I move the following concurrent resolution:

Resolved by the House of Representatives, (the Senate concurring,) That the two Houses of Congress shall be adjourned sine die at three o'clock p. m., June 23.

Mr. SPEER and others. O, no!

Mr. SENER. What is the regular order?

The SPEAKER. The regular order is the count by tellers on the motion of the gentleman from Wisconsin [Mr. ELDREDGE] for a recess till nine o'clock to-morrow morning.

Mr. SENER. Then I call for the regular order. I believe that is my right as a member.

The SPEAKER. The Chair is waiting to see whether some accommodation can be reached.

Mr. ALBRIGHT. Why can we not go on now with the consideration of business on the Speaker's table?

Mr. GARFIELD. I hope that the House will not take a recess until to-morrow morning, before the conference report on the post-office appropriation bill has been acted on.

The SPEAKER. Can the chairman of the Committee on Appropriations give any statement as to how the bills which are in conference stand?

Mr. GARFIELD. The conference on the sundry civil appropriation bill is two-thirds completed; but we cannot get through that to-night; and unless the other conference reports—those on the river and harbor bill and the post-office bill—can be disposed of to-night, the business of enrollment will be crowded so much that I do not believe we shall be able to adjourn *sine die* by eleven o'clock to-morrow.

The SPEAKER. The Chair does not hesitate to say that he has no idea that the two Houses can adjourn *sine die* at eleven o'clock to-morrow.

Mr. KASSON. I ask the chairman of the Committee on Appropriations why it would not be better to fix three, four, or five o'clock to-morrow afternoon for the adjournment *sine die*, and then commence business to-morrow morning at nine o'clock, and proceed with it regularly so as to allow the clerks to finish up the work properly?

Mr. WILLARD, of Vermont. Has the chairman of the Committee on Appropriations any idea when the reports on the appropriation bills still pending will get here from the Senate?

The SPEAKER. The Chair observes that the gentleman from Indiana, [Mr. TYNER,] chairman of the conference committee on the post-office appropriation bill, is now in the Hall. He can doubtless state the condition of business on that bill.

Mr. TYNER. The conference committee on the post-office appropriation bill has agreed on its report; but it will probably take an hour to draft the report to be presented to the Senate. After the Senate shall have acted on the report it will of course come to the House for its action; but I may say in this connection that probably the report will provoke very considerable debate in the Senate, and it is impossible to indicate at what time it will be disposed of there.

Mr. GARFIELD. I ask the gentleman from Missouri, [Mr. WELLS,] who is upon the conference committee on the river and harbor bill, to state whether the committee on that subject has yet agreed?

Mr. WELLS. The committee has agreed on its report.

The SPEAKER. The Chair understands that the Senate is now engaged in considering the conference report upon the Geneva award.

Mr. MAYNARD. Mr. Speaker, how many conference committees are there now out?

The SPEAKER. The conference committee on the post-office appropriation bill, on the river and harbor bill, on the sundry civil appropriation bill, and on the tariff bill. The report on the Geneva award, which has been agreed to in the House, is still pending in the Senate.

Mr. MAYNARD. All these conference reports must be considered first in the Senate under the rule before they get to the House.

Mr. COBURN. I hope we will now take a recess for an hour.

The SPEAKER. If the Chair be allowed to make a suggestion, and it is his duty to do so at this time, it will be obviously impossible in the present condition of the public business, without much hurry, for the House to adjourn at eleven o'clock to-morrow morning; and therefore a later hour, I hope, will be suggested to the Senate, to see if some arrangement cannot be made between the two Houses in that regard.

Mr. CESSNA. I rise to make a parliamentary inquiry. Suppose the House should extend the session until to-morrow at three o'clock in the afternoon, and the Senate should not agree to that concurrent resolution on the part of the House, what then would be the condition of affairs?

The SPEAKER. The two Houses would be compelled to adjourn at eleven o'clock a. m. to-morrow if no further action be taken by the two Houses extending the hour of adjournment. If the two Houses do adjourn at eleven o'clock to-morrow morning some of the bills will be lost.

Mr. CESSNA. But suppose the House take a recess from now until seven o'clock to-morrow morning?

The SPEAKER. The House would then sit here two hours without a quorum.

Mr. CESSNA. If the two Houses should agree to extend the session to three o'clock to-morrow and the House should they move to take a recess until ten o'clock to-morrow morning, does the Chair think we could accomplish the public business without further difficulty?

The SPEAKER. The Chair thinks under that arrangement the public business could be done. The four conference reports now due must be first reported in the Senate. Under the parliamentary law they must all be considered first in the Senate before they come to the House for its action.

Mr. CESSNA. Then I make that motion.

The SPEAKER. The question now pending is on the motion of the gentleman from Iowa, [Mr. KASSON,] that a concurrent resolution be passed by the House and sent to the Senate that the President of the Senate and the Speaker of the House adjourn their respective Houses on Tuesday, 23d of June, at three o'clock p. m.

Mr. KASSON. At the suggestion of gentlemen about me I will make it four o'clock.

Mr. GARFIELD. I believe if the House adjourns until seven o'clock in the morning we can get through with the business by the hour of eleven o'clock for final adjournment.

The SPEAKER. The Chair suggests if that course be taken the public business will then be done with extraordinary haste, and so far as the Chair can see without any compensation for the risks involved.

Mr. GARFIELD. I am willing to agree to an extension of the session until three o'clock to-morrow afternoon.

The SPEAKER. The Chair will put it in that form, that the President of the Senate and the Speaker of the House shall adjourn their respective Houses on Tuesday, June 23, at four o'clock p. m.

Mr. BUTLER, of Massachusetts. Before we agree to anything of the kind I wish to ask a question of the chairman of the Committee on Appropriations, whether there will be any attempt to revive the civil service?

Mr. GARFIELD. The committee of conference have not reached that portion of the bill.

Mr. BUTLER, of Massachusetts. That will take some time.

Mr. ELDREDGE. If we are to act on any proposition I should like to know what is going on on the republican side of the House, for we cannot hear on this side what is going on.

Mr. SPEER. I move that the House take a recess for half an hour.

The SPEAKER. The pending question is more highly privileged. As the motion has been amended it now is that a concurrent resolution be passed by the House to the effect that the two Houses shall adjourn *sine die* on Tuesday, June 23, at four o'clock p. m.

The concurrent resolution was adopted.

Mr. KASSON moved to reconsider the vote by which the concurrent resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PARKER, of Missouri. I now move to take a recess until nine o'clock to-morrow morning.

Mr. GARFIELD. I think we had better wait until we hear from the Senate in reference to this concurrent resolution.

Mr. ELDREDGE. I move to take a recess for half an hour.

The motion was agreed to.

And then (at eleven o'clock and twenty minutes) the House took a recess until ten minutes to twelve o'clock m.

AFTER THE RECESS.

At ten minutes to twelve o'clock m. the House resumed its session. Mr. RANDALL. I move to take a recess until nine o'clock to-morrow morning.

Mr. Speaker, has the Speaker any information that the concurrent resolution adopted by the House has been concurred in by the Senate?

The SPEAKER. The House has not been officially notified of the fact, but the Chair understands that the concurrent resolution has been adopted by the Senate.

Mr. BECK. I hope we will not take a recess, as we will soon receive the report of the committee of conference on the tariff bill.

Mr. RANDALL. I withdraw my motion.

JOHN R. POLK.

The next business on the Speaker's table was the bill (S. No. 476) for the relief of John R. Polk.

Mr. WILLARD, of Vermont. I move that bill be referred to the Committee on Military Affairs.

The motion was agreed to.

MRS. LOUISA JACKMAN AND MRS. MARTHA VAUGHN.

The next business on the Speaker's table was the bill (S. No. 502) for the relief of Mrs. Louisa Jackman and the legal representatives of Mrs. Martha Vaughn.

The bill was read.

Mr. DURHAM. I move that the bill be put on its passage.

Mr. WILLARD, of Vermont. That should be referred to the Committee on War Claims.

Mr. DURHAM. It has been thoroughly investigated in the Senate, and I insist on my motion that the bill be passed.

The question being taken on suspending the rules and passing the bill, two-thirds did not vote in the affirmative and the rules were not suspended.

Mr. WILLARD, of Vermont. I move that the bill be referred to the Committee on War Claims.

The bill was referred to the Committee on War Claims, two-thirds voting in favor thereof.

WILLIS N. ARNOLD.

The next business on the Speaker's table was the bill (S. No. 574) for the relief of Willis N. Arnold.

The bill was read.

Mr. ATKINS. I move that the bill be referred to the Committee on War Claims.

The bill was referred to the Committee on War Claims, two-thirds voting in favor thereof.

WRECK OF THE BARK TORRENT.

The next business on the Speaker's table was the bill (S. No. 704) for the relief of the non-commissioned officers and men of the United States Army who were sufferers by the wreck of the bark Torrent.

The bill was read.

Mr. WILLARD, of Vermont. I move that the bill be referred to the Committee on Military Affairs.

Mr. SPEER. The bill ought to be referred to a committee by all means. It specifies no sum.

The bill was referred to the Committee on Military Affairs, two-thirds voting in favor thereof.

REPRESENTATIVES OF GEORGE SCHWARTZ.

The next business on the Speaker's table was the bill (S. No. 718) for the relief of the legal representatives of George Schwartz, deceased, late a private in Company F, Fifth Regiment Wisconsin Volunteers.

The bill was read.

Mr. HAZELTON, of Wisconsin. I move that the rules be suspended and that the bill be passed.

The question being taken on suspending the rules and passing the bill, two-thirds did not vote in favor thereof, and the rules were not suspended.

Mr. COBURN. I move that the bill be referred to the Committee on Military Affairs.

The bill was referred to the Committee on Military Affairs, two-thirds voting in favor thereof.

FORT BRADY MILITARY RESERVATION.

The next business on the Speaker's table was the bill (S. No. 757) to donate a certain portion of the military reservation of Fort Brady to school district No. 1, in township of Sault Sainte Marie, and State of Michigan, for school purposes.

The bill was read.

Mr. WILLARD, of Vermont. Has that bill been considered by any committee?

Mr. HUBBELL. It has been considered fully in the Senate.

Mr. WILLARD, of Vermont. Has it been considered by any committee of the House?

Mr. HUBBELL. It has not been considered by any committee of the House, but it is all right. I know it is. I move that the rules be suspended and that the bill be passed.

The question being taken on suspending the rules and passing the

bill, two-thirds did not vote in favor thereof, and the rules were not suspended.

Mr. ELLIS H. ROBERTS. I move that the bill be referred to the Committee on Military Affairs.

The bill was referred to the Committee on Military Affairs, two-thirds voting in favor thereof.

ALEXANDER MINOR.

The next business on the Speaker's table was the bill (S. No. 671) for the relief of Alexander Minor, of West Virginia.

The bill was read.

Mr. WILLARD, of Vermont. That bill should go to the Committee on Military Affairs.

Mr. LOWNDES. I move that the rules be suspended and that it be put upon its passage.

The question being taken on suspending the rules and passing the bill, two-thirds did not vote affirmatively, and the rules were not suspended.

Mr. WILLARD, of Vermont. I now move that the bill be referred to the Committee on Military Affairs.

The bill was referred to the Committee on Military Affairs, two-thirds voting in favor thereof.

DANIEL H. KELLY.

The next business on the Speaker's table was the bill (S. No. 841) to place the name of Daniel H. Kelly upon the muster-roll of Company F, Second Tennessee Infantry.

The bill was read.

Mr. WILLARD, of Vermont. I move that the bill be referred to the Committee on Military Affairs.

The bill was referred to the Committee on Military Affairs, two-thirds voting in favor thereof.

MAJOR J. W. NICHOLLS.

The next business on the Speaker's table was the bill (S. No. 769) for the relief of Major J. W. Nicholls, paymaster United States Army.

The bill was read.

Mr. BANNING. I move that the rules be suspended and that the bill be passed.

Mr. SPEER. I objected to that bill two or three hours ago, but I have been assured by the gentleman from Ohio [Mr. BANNING] and the gentleman from Tennessee [Mr. MAYNARD] that the bill is right. They so stated to me on their own personal knowledge, and I withdraw my objection.

Mr. ELLIS H. ROBERTS. Has the bill been before a House committee?

Mr. PARKER, of Missouri. When this bill was introduced into the Senate I introduced a similar bill in the House and it went to the Committee on Military Affairs. The majority of the committee approved the bill, although they have not formally reported it.

The question being taken on suspending the rules and passing the bill, two-thirds did not vote in the affirmative, and the rules were not suspended.

The bill remained on the Speaker's table.

Mr. ELDREDGE. I renew my motion to take a recess, and will make the hour ten o'clock instead of nine.

E. C. GILLEWATERS.

Mr. LAMAR, by unanimous consent, introduced a bill (H. R. No. 3779) for the relief of E. C. Gilgewater, one of the sureties of A. W. Patterson, late United States marshal for the northern district of Mississippi; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REMOVAL OF POLITICAL DISABILITIES.

Mr. MORRISON. I ask leave to have passed a bill for the removal of the political disabilities of Marcellus P. Christian, of Lynchburgh, Virginia.

Mr. RANSIER. I object.

Mr. MORRISON. I move that the rules be suspended and the bill passed.

The SPEAKER. That cannot be done.

Mr. CONGER. I desire to make some reports from the Committee on Commerce.

Loud cries of "Regular order."

Mr. ELDREDGE. I now insist on my motion for a recess.

Mr. DAWES. I hope the gentleman will withdraw that motion for a few moments that we may receive the report of the committee of conference on the tariff bill.

The SPEAKER. Has the gentleman from Massachusetts any information as to the position of that bill?

Mr. DAWES. The report of the committee of conference was agreed in the other branch of Congress half an hour ago.

The SPEAKER. Then what detains it?

Mr. DAWES. I really do not know.

Mr. ELDREDGE. That bill can easily be engrossed in the morning, and our remaining in session to-night will not facilitate matters at all.

Mr. HAZELTON, of Wisconsin. The House is too thin to act on a measure of that importance to night, and I hope that the motion of the gentleman from Wisconsin will be agreed to.

Mr. O'NEILL. I hope we shall not take a recess. Another committee of conference will soon be ready to report.

The SPEAKER. What committee is that?

Mr. O'NEILL. The committee of conference on the bill regulating gas-works.

The question was on the motion of Mr. ELDREDGE, that the House take a recess.

Mr. ELDREDGE. I observe that the Clerk of the Senate is here with a message, and I withdraw my motion for the present.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the amendment of the House to the bill (S. No. 930) to authorize the Farmers' National Bank at Greensburg, Pennsylvania, to change its location and name.

The message further announced that the Senate had agreed to the concurrent resolution of the House providing for the printing of the reports of the United States commissioners to the Vienna exposition, under the direction of the Secretary of State.

The message further announced that the Senate had agreed to the concurrent resolution of the House providing that the present session of the Forty-third Congress be extended until four o'clock p. m., Tuesday, June 23.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty of Washington of May 8, 1871.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes.

TARIFF AND INTERNAL-REVENUE LAWS.

Mr. DAWES. I submit the report, which I send to the Clerk's desk, from the committee of conference upon the tariff bill.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 3572) "to amend existing customs and internal-revenue laws, and for other purposes," having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, and 36; and agree to the same.

That the Senate recede from its amendment numbered 31.

That the House recede from its disagreement to the fifth amendment of the Senate, and agree to the same with an amendment as follows: Insert in lieu of the words proposed to be stricken out, the words: "Provided also, That there shall be an allowance of 5 per cent., and no more, on all effervescing wines, liquors, cordials, and distilled spirits, in bottles, to be deducted from the invoice quantity in lieu of breakage;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-third amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "23," (the number of the section,) proposed to be inserted, insert "24;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-fourth amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "24," (the number of the section,) proposed to be inserted, insert "25;" and the Senate agree to the same.

That the House recede from its disagreement to the thirty-fifth amendment of the Senate, and agree to the same with an amendment as follows: In lieu of "25," (the number of the section,) proposed to be inserted, insert "26;" and the Senate agree to the same.

They further recommend that in section 7, page 5, line 21, after the word "returned," the word "empty" be inserted.

H. L. DAWES,

WM. D. KELLEY,

Managers on the part of the House.

JOHN SHERMAN,

JUSTIN S. MORRILL,

T. F. BAYARD,

Managers on the part of the Senate.

Mr. HARRISON. I wish to inquire of the chairman of the committee [Mr. DAWES] whether the amendment of the Senate in relation to giving producers of tobacco the privilege of selling \$100 worth annually on the premises has been agreed to?

Mr. DAWES. I will state to the House the nature of the report on which we have agreed. As I said when the conference committee was appointed, all the Senate amendments were reductions; no new article was put into the bill by the Senate; whatever changes that body has made were reductions of the rates fixed by the House.

There were two points upon which I regret to say the House conferees were compelled to yield to the Senate. One was the point just alluded to by the gentleman from Tennessee, [Mr. HARRISON.] We were obliged to assent to striking out the provision inserted by the House to permit the sale of \$100 worth of tobacco annually upon the premises where it is grown. The other is the advance of five cents a pound upon hops. I will state the reasons why the committee were compelled to yield.

Upon the question of tobacco the House committee were met by a unanimous committee on the part of the other branch, and by the Commissioner of Internal Revenue, enforcing upon them the argument that while there might be some hardship in denying to a small producer of tobacco the privilege of selling it upon the premises without a license, still it would, in the opinion of the Commissioner

of Internal Revenue and of the conferees from the other branch, break down the entire system. That was the argument, as it has been the argument of the Executive Department of the Government for many years. This question was raised in the last Congress, and this identical provision was at that time adopted by the House, and when it went to the Senate the same arguments from the Commissioner of Internal Revenue and those employed under him to collect the tax had precisely the same effect as has been had in this case. The provision was struck out. We were compelled in a more general revision of the tariff, at the last session, to yield that point as we have been compelled to yield it to-day or lose this tariff bill.

Upon the question of hops the committee of the House presented to the Senate committee the fact of the vote of this House; and we were met by the information that the Senate upon a yea and nay vote, after discussion, had by a very strong majority stricken out that item of the bill. The conference came pretty near being broken up on this point. The committee on the part of the House only yielded at the last moment to avoid an entire breaking up of the conference.

The conference committee has agreed to the duty upon still wines as it was fixed by the Committee on Ways and Means when the bill was brought into this House—40 cents a gallon.

Mr. ELDREDGE. I would like to know whether the gentleman from Massachusetts [Mr. DAWES] cannot shorten up his speech on this subject. He always talks the same length of time. Why can he not shorten up?

Mr. DAWES. Mr. Speaker, if I met with the same discouragements in every quarter in making men understand intelligible language that I do in the quarter from which this interruption comes, I should have stopped long ago.

Mr. ELDREDGE. The gentleman has talked the same thing over until we are tired of it.

The SPEAKER. The gentleman from Wisconsin [Mr. ELDREDGE] is grossly out of order.

Mr. ELDREDGE. Well, the Speaker sometimes gets out of order.

The SPEAKER. The gentleman from Wisconsin was entirely without justification in rudely assailing the gentleman occupying the floor.

Mr. ELDREDGE. I have not rudely assailed the gentleman.

The SPEAKER. The course of the gentleman from Wisconsin was undoubtedly beyond all limits of parliamentary propriety.

Mr. ELDREDGE. It does not become the Speaker to say that to me.

The SPEAKER. The gentleman from Wisconsin has transcended the limits of propriety in a gross manner by his interruptions of the chairman of the Committee on Ways and Means.

[Mr. ELDREDGE addressed the Chair, but his voice was drowned by the rapping of the Speaker's gavel.]

Mr. ELDREDGE. The Speaker cannot rap me down with his gavel.

Mr. DAWES. I will be as brief as I can be.

The SPEAKER. The gentleman from Massachusetts [Mr. DAWES] is entitled to speak for the length of time that the rules allow; and the Chair will protect him in that right.

Mr. DAWES. There was another section of the bill which was added to it upon the motion of the gentleman from Connecticut, [Mr. STARKWEATHER,] providing for taxing sales of gold, bonds, &c., at the brokers' boards. I apprehended at the time it was offered that it would be found entirely impracticable in the short time allowed to us to perfect the machinery by which that tax could be collected.

Mr. STARKWEATHER. The Commissioner of Internal Revenue himself, on consultation with some of the best men in the country and after months of deliberation, perfected a bill and submitted it to the Senate Committee on Finance. He said to them, and he authorized me to say to the gentlemen of the Ways and Means Committee, as I have done, that he could execute that law, and could collect under it \$12,000,000 annually without any considerable additional force; that under the bill which he had perfected he could collect this tax just as well as he could collect the whisky tax or the tobacco tax. This is what he testified before the Finance Committee of the Senate.

Mr. DAWES. What the gentleman says is very proper to be submitted to the House, but I think it would have kept till it was his turn to speak.

Mr. STARKWEATHER. I do not always have a "turn to speak" when the gentleman has the floor or afterward.

Mr. DAWES. I do not mean any discourtesy; only I was obliged to stop my own speech to allow the gentleman from Connecticut to make his.

Mr. STARKWEATHER. I wanted you to have all the information you desired.

Mr. DAWES. Mr. Speaker, I was remarking that I apprehended there would be some difficulty in perfecting the machinery for the collection of this tax. The committee on the part of the Senate and the Senate itself were unwilling to take up that question of the proper method of collecting the tax. They agreed with the House and with the committee on the part of the House that it was a very desirable subject of taxation so far as the sales were the fictitious and gambling sales of the stock market, and not real sales of gold for the purpose of paying duties. But they were unable to apply themselves, or at least did not apply themselves, to devising the machinery. The committee on the part of the House called their attention to a bill to

which the gentleman from Connecticut has alluded in advance of what I was going to say about it. We called their attention to the method proposed by the gentleman. We were met by the answer that in the last hours of this session to adopt an entirely new, untried, and uncertain experiment upon so large a matter of taxation as that suggested by the gentleman from Connecticut was hazardous, and that it would be better to postpone the subject till the next session of Congress. I will say, as I think it is proper to say, that it is the intention of the committees of both branches before the meeting of the next Congress to prepare themselves, with the assistance of the Treasury Department, to present very early in the next session—on the very first day if possible—a more mature and comprehensive bill upon this subject. Of course no one can tell to what extent it will embrace particular subjects either of internal taxation or of customs duties; but they do not intend, if this bill be adopted, to leave it as the whole work of the Forty-third Congress upon the subject of the tariff. They intend to carry it on with the help of such efforts as may be made during the recess by the two committees. The committee on the part of the Senate, it may be proper for me to say, have already received formally official communications upon the subject from the official authorities most interested in the operation of this law.

Therefore I have to ask the House to adopt this bill for what there is in it; not to vote it down for what there is not in it. I say to the gentlemen interested in the tobacco question and the gentlemen interested in the hop question that this contains no hostile legislation to those interests. If this is voted down, that will not help those interests. They will be left exactly where they are now if it is voted up. But it is hardly fair to what is in the bill, if it is of any value, to vote that down because we have failed to get into this bill provisions which we think ought to be in it.

This report is not here in the shape it is from any disposition on my part to give up those questions or to have given them up to-day, if it be proper for me to say so much. I ask the gentlemen who feel disposed to take hostile action against this bill to remember that their action would be directed against matters which are in no way connected with what are left out of the bill, and for which the Committee on Ways and Means of the House of Representatives are in no way responsible.

The Committee on Ways and Means have endeavored to put certain measures in this bill which they are now obliged to leave out of it. They have not put into it anything hostile to those measures, and what is in the bill, as I stated to the House in the early part of the consideration of this measure, will add about two and a half millions to the revenue without endangering any other interest, although we have not got those interests into the bill as we had hoped. It is confidently believed by those who know more about it than the Committee on Ways and Means, and the Committee on Ways and Means concur in that view, that by the passage of this bill and the changes in regard to silk, bank-checks, and wine, at least two and a half millions will be added to the revenue. And I now submit this report as all that can be obtained at this session to the judgment of the House and to the favorable judgment of those very gentlemen who feel as if they ought to have had in this bill what they have failed to get. I say to them that it is impossible for them to get at this session by voting down this measure those provisions of law which they desire. They will by voting this down leave those provisions just where they will be left by passing the bill. On the other hand, by passing it they will add to the revenue what I have stated. I call the previous question.

Mr. BECK rose.

Mr. MAYNARD. I do not understand from the gentleman from Massachusetts whether we gain anything by the action of the conference committee or whether we give up all.

Mr. DAWES. I have agreed to yield to my colleague on the committee, the gentleman from Kentucky, [Mr. BECK.] How much time does he desire?

Mr. BECK. Not more than ten minutes. Probably I will not occupy more than five minutes.

Mr. DAWES. I yield to the gentleman ten minutes. But before he proceeds I wish to announce to the House, with a due share of cheerfulness, that jute-butts are in the bill at six dollars a ton. I did all I could to get them out of the bill. The only thing in which that part of the country which I have the honor to represent was distinctly interested was to keep jute-butts free. But I have laid jute-butts on the altar of my country, and I hope that those gentlemen who feel hostile to the action of the committee will follow my example.

Mr. SAYLER, of Indiana. The sacrifice is worthy of the gentleman and his cause.

Mr. BECK. I suppose the last remarks of the gentleman from Massachusetts [Mr. DAWES] were directed to me with the idea, doubtless, that I ought to vote for the bill because jute-butts are taken from the free list and my people are supposed to desire protection on hemp. I hope the bill will be defeated. Jute-butts will then be free as heretofore. I do not regard them as competing with hemp in any way. The flax-men may attend to them if they choose. I have declined to sign this report for various reasons. The first is that by the provision of the bill in the first section of it the duty is raised on all mixed silk goods from 50 to 60 per cent. The pretense was set up before our committee that there were fraudulent importations of silk

goods that had a strand or two of cotton in them that came in under the general provision imposing an *ad valorem* duty of 50 per cent. on that class of goods. We endeavored to correct certain rulings of the department in that regard. When the bill went to the Senate, the words "in value" were added to the House bill, so that the proviso at the end of the section should read as follows:

Provided, That this act shall not apply to goods, wares, or merchandise which have, as a component material thereof, 25 per cent. or over in value of cotton, flax, wool, or worsted.

The value of cotton is about twenty cents per pound; of course I do not pretend to give the figures exactly. The value of silk is about six dollars per pound. So that if there is less than seven and a half times as much cotton as there is silk in any article which is required in order to make it one-quarter in value, it will be taxed 60 per cent. instead of 50 as it now is. The whole effect of this bill is by a cunning pretense to increase the duty on all mixed silk goods from 50 to 60 per cent., and to add that much to the protection, now amounting almost to a prohibition, for the benefit of a few men in New Jersey and elsewhere—10 per cent. more than is now allowed. I do not propose to increase duties by indirection; my struggle has always been to bring protection to the revenue standard. This bill will result in a diminution of the revenue and an increase of protection; it will prevent the importation of mixed cotton and silk goods, the purpose being to prevent competition with a few silk manufacturers here. That is the object of the bill by those who fully understand its scope and purpose.

Again, the committee have agreed to fix the tax on the wines imported into the country, all the still wines which now pay 25 cents, 60 cents, and \$1, down to 40 per cent. instead of 50 per cent. as agreed on by the House, so that all the high-priced wines, the sherries and Madeiras, which are now at \$1 and \$1.25 *ad valorem*, are brought down to 40 cents. The House, as I said, fixed it at 50 cents, and the committee of conference agreed with the Senate at 40 cents; so as to accommodate those who desire to buy first-class wines cheap, they put the duty down to 40 cents.

Next, they agreed to strike down the duty on hops. They fixed it at 5 cents per pound, which is 40 per cent. *ad valorem*. The House put it at 10 cents per pound. The committee reduce it to 5 cents. That I agree to. It is about the only good thing done.

The gentleman talks about the duty on jute-butts and thinks I will approve that. I care nothing about it. If he wishes to strike that provision out, I will go with him and leave them on the free list.

Another clause of the bill relates to the sales by producers of their tobacco. The manufacturers of tobacco came before the Committee on Ways and Means two years ago and said to us, "If you will make the tax on tobacco uniform—it being then at 16 and 32 cents—at 20 cents, we will agree that men living remote from market who are raising small patches of tobacco shall not be interfered with in their sales to the amount of \$100 a year; we will be satisfied with that limitation." Many of these small producers live so far from market that they could not carry their products to the point where the manufacturers or their agents were, and it was a great hardship upon them to deprive them of the power to sell their product. The House unanimously passed that provision in the last Congress; immediately after we did so, the manufacturers rushed over to the Senate, and raised the cry that the Government was going to be defrauded out of its revenue if that privilege was allowed. Those small producers of tobacco who lived remote from market were of course unable to dispose of their tobacco, unless they sold it to sub-agents in the vicinity at any price they offered, and they appealed to us to grant them the right to sell in small quantities of less than \$100 worth in a year; the House granted them that right. The moment it passed this House, as I said, the tobacco manufacturers rallied and clamored around the Senate, and they succeeded, as they have again in this instance, in having that provision stricken out of the bill.

For one, I shall vote against the bill in consequence of the bad faith, not to say frauds, practiced by these manufacturers upon the poorest class of the producers of tobacco—a product which they have as much right to raise as other men have to raise wheat, corn, or anything else. Tobacco being the only product that many men can raise, their right to do so should be recognized and protected. The fraudulent course pursued by the tobacco manufacturers to those humble citizens ought to meet with the condemnation of the representatives of the people, and I hope it will here and now. We may not succeed in granting them rights. We can at least condemn action which looks to indorsing the wrongs done them. It is bad enough to make poverty pay what wealth should furnish to support the Government, without adding insult to injury by sanctioning wrong by our action here.

Again, the gentleman from Connecticut [Mr. STARKWEATHER] made a proposition, which the House adopted, to collect a tax of $\frac{1}{10}$ of 1 per cent. on gold and stock sales. The Commissioner of Internal Revenue has prepared a bill under which he says he can collect that tax as easily as he can any other. The conference committee have stricken that out, because the gold gamblers of New York, who sell often at the rate of \$60,000,000 in gold a day, as I am informed, raised a hue and cry against this amendment. On Black Friday it is said they sold \$250,000,000 gold, a large portion of the sales not being genuine.

Mr. CREAMER. That is not a fact.

Mr. BECK. It is the fact, as the gentleman from Connecticut [Mr. STARKWEATHER] tells me.

Mr. CREAMER. It is an entire misrepresentation.

Mr. BECK. On one day last week \$60,000,000 gold were sold. Is not that true, I ask the gentleman from Connecticut?

Mr. STARKWEATHER. That is true.

Mr. BECK. And they sold \$250,000,000 on Black Friday.

Mr. CREAMER. Black Friday occurred five years ago. The gentleman has no need to go back as far as that.

Mr. BECK. I will give the gentleman the source of my information.

Mr. CREAMER. The gentleman should not go to Connecticut to find out what takes place in New York.

Mr. BECK. The gentleman from Connecticut [Mr. STARKWEATHER] has studied this question carefully, and he has laid before us a bill prepared by the Commissioner of Internal Revenue, under which he says that he can collect \$12,000,000 a year from this source.

I am told, and I believe it to be a fact, that there is not one-tenth of these sales of gold and stocks that is genuine; it is simply a bet on the price of gold to-morrow or next day. Yet you fail to tax them because they are rich and powerful, while you oppress the poor. I say that a bill so presented ought to be voted down by the Representatives of the people, and allowed to go over until December, when we can see if we cannot do something that approaches justice, something which will make men and business that can afford to pay taxes pay them. I will never vote to increase the tariff 10 per cent. on mixed silk goods for the benefit of half a dozen men to the detriment of the revenue. It is at a point now where it is a protective and not a revenue tariff. I will not ruin the poor producers of tobacco, white and black, who cannot raise enough to make a hoghead and send it to market, to benefit a few greedy manufacturers; and I will not consent to exempt gold gamblers from taxation while the laboring poor are taxed on their products, and on all they use from their cradle to their coffin.

Mr. DAWES. I would like to make a parliamentary inquiry. Is there anything in the way of the gentleman from Kentucky [Mr. BECK] offering the bill which he has been showing about the House and having it passed if the House wants to pass it? I now yield to the gentleman from Illinois, [Mr. BURCHARD.]

Mr. BURCHARD. I desire to call the attention of the House to the second amendment proposed by the Senate to the bill that passed the House and which the committee of conference recommend be concurred in. It is proposed to insert the words "in value." The effect of that is to raise the duty so silk-mixed goods, that have for twenty years been admitted at a rate of duty 10 per cent. less than silk goods, to the same rates as silk goods, from 50 to 60 per cent. *ad valorem*. In 1871 we imported \$5,500,000 of silk-mixed goods at 50 per cent. duty; in 1872 we imported about \$7,000,000, and in 1873 about the same amount.

When gentlemen who are now distinguished members of the Senate were members of the Committees on Appropriations and Ways and Means of this House years ago they made a difference of 10 per cent. between silk goods and silk-mixed goods, and that has been the rule from that time until the present. We endeavored to cut off the frauds by requiring that one-fourth of all materials in these goods should be materials other than silk—that is that three-fourths of the materials must be silk in order that the goods might come in as silk-mixed goods. By inserting the words "in value" it would require that about nine-tenths of the materials should be other than silk goods to be admitted at 50 per cent. duty. Practically it would prevent any silk-mixed goods from coming in at 50 per cent. *ad valorem*. That is the intention not of the gentlemen who are presenting this bill, but of those who presented the bill to the Committee on Ways and Means. We at first, without considering, reported it as presented to us; but upon consideration the committee were unanimous in reporting the bill to the House as it passed.

I desire to say this: this is a little thing, as has been said, and it is not worth while to tinker at the tariff for the purpose of getting \$2,500,000 of revenue, when for the present fiscal year we need at least \$25,000,000 to meet the requirements of the sinking fund. When we come together at the next session, if it is necessary to raise more revenue, we can incorporate a provision like that of the gentleman from Connecticut, [Mr. STARKWEATHER,] and if necessary we can re-enact the income tax. I hope this report of the committee of conference will be voted down.

Mr. DAWES. I now yield five minutes to the gentleman from Virginia, [Mr. HARRIS.]

Mr. HARRIS, of Virginia. I am sure this House does not understand the practical working of the tobacco provision in this bill upon the producer in the interior of the country. Do members of this House know the fact that the man who raises a few pounds of tobacco cannot sell it unless he sells it to the leaf dealer or to the tobacco manufacturer? And there may not be a leaf dealer or manufacturer within a hundred miles of him. This affects greatly our poor people, especially the colored people, who were reared to raising tobacco, and who have their little patches and raise a thousand pounds or so, worth perhaps eighty to one hundred dollars. After they have grown their tobacco, cured it, and prepared it for market, they have no place to sell it. The change of the law which was adopted last year prevents the country merchant from buying leaf-tobacco, because the tax

is 50 per cent. on every dollar's worth which he sells. Consequently the country merchant cannot buy, and nobody can buy it but the leaf dealer or the manufacturer, and he lives from fifty to one hundred or two hundred miles from the grower of the tobacco. The consequence is that you starve the poor man in the interest of the capitalist.

The poor never get before the Committee on Ways and Means. It is the tobacco manufacturer with his capital who goes before the Commissioner of Internal Revenue and impresses his views upon him; and he comes with a rebound upon the Committee on Ways and Means who are all willing to listen to him, and who never listen to the poor colored man or the white man who raises his thousand pounds of tobacco and has no place to sell it. Two years ago this provision in regard to one hundred pounds of tobacco was put in by the House and was left out by the Senate. Again this year it gets into the House a week before the session closes, and the rules have practically to be suspended in order that it may be passed. The \$100 clause is in, and it is proposed to leave it out so that the poor tobacco-grower, white or colored, is made to suffer, and we are obliged to vote for a tariff bill containing a provision for his relief, which might otherwise be obnoxious to us, because we want to do justice to this poor agricultural class. Again, the same provision is adopted in this House. The Senate committee struck it out before, and they have struck it out again. The Senate concurs, but the House non-concurs. The chairman of the Committee on Ways and Means [Mr. DAWES] is on the committee of conference; and had he acted in good faith, had he co-operated with my friend from Kentucky, [Mr. BECK], there would have been no report in favor of striking out that clause in reference to selling \$100 worth of tobacco on the premises. I almost fear my friend from Massachusetts was too willing to give way. I almost fear that he threw in this provision as a bait to southern men who live in the tobacco-growing sections, so that he might get this tariff bill through; that he was willing the Senate with capitalists at its back should, at the instance of the Internal Revenue Commissioner, strike out this provision, so that he would get all he wanted and nothing that he did not want. It looks so to me, Mr. Speaker. I hope the House will non-concur.

Mr. DAWES. I yield five minutes to the gentleman from Connecticut, [Mr. STARKWEATHER.]

Mr. STARKWEATHER. Mr. Speaker, the gentleman has given me five minutes; I hope he will give me ten, if necessary. I want to state a few facts to this House. This bill was brought in here, and after much discussion of the subject in the newspapers, after the attention of the gentlemen of the Ways and Means Committee had been called to it, this little tariff bill was reported, and the House by a vote of nearly four to one put upon it as an amendment this provision for the taxation of sales of gold and stocks. The bill went to the Senate; an array of brokers from New York came down upon the Senate and besieged it. They put in their little statements. Their newspaper organs, owned by Jay Gould & Co., cried out against the proposition. The only newspapers in the whole country that spoke unfavorably of the bill which I introduced and the amendment which this House passed, so far as I observed, were two newspapers in New York City owned by these stockholders. East and West, republican and democratic papers everywhere, said that this was the proper manner in which to raise some of our revenue.

The gentleman from Massachusetts [Mr. DAWES] says that we have not time to perfect a bill for the collection of this tax. Why, sir, the only thing in this tariff bill that is perfected is this very clause which I introduced as an amendment.

Mr. BUTLER, of Massachusetts. Will the gentleman be good enough to name the papers to which he has referred?

Mr. STARKWEATHER. Does the gentleman mean the papers that oppose the proposition?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. STARKWEATHER. If I were to undertake to name the newspapers that favored the measure, I would have to name almost the whole press of the country.

Mr. BUTLER, of Massachusetts. I want the names of the papers that opposed it.

Mr. STARKWEATHER. One was the New York Tribune, the majority of whose stock is owned by Jay Gould, the man who got up the gold panic (the report upon which I hold in my hand) when \$250,000,000 of gold was sold in a single day, carrying up the price to nearly 200.

Mr. BUTLER, of Massachusetts. What is the other newspaper that the gentleman has referred to?

Mr. STARKWEATHER. Well, there is no use in mentioning the name.

Mr. BUTLER, of Massachusetts. O, yes; there is.

Mr. STARKWEATHER. It is of too little consequence. Jay Gould's organ was the leading paper in this opposition.

Mr. BUTLER, of Massachusetts, and others. Name the other paper.

Mr. STARKWEATHER. Do not interrupt me, gentlemen. I want to discuss the principles of this bill.

Mr. BUTLER, of Massachusetts. Well, I hope the gentleman will tell me the name.

Mr. STARKWEATHER. I have no objection.

The gentleman says this bill is not perfected. Why, sir, the Commissioner of Internal Revenue, after three months' consultation with

leading financial men, drew a bill on this subject and said to the Finance Committee of the Senate—I heard him say so—that he could execute this bill and bring in \$12,000,000 to the Treasury annually. He says that he can execute it cheaply without any considerable additional force; that he can execute it as cheaply as he can collect the tobacco and whisky tax. But the gentleman from Massachusetts, [Mr. DAWES], upon a little bill of this kind, with nothing in it except a reduction of duty on a few choice wines and the imposing of a little additional duty on silk goods—a matter that will not bring any considerable revenue into the Treasury—proposes to give up the only substantial thing in the measure, a proposition which the Commissioner of Internal Revenue says will bring in \$12,000,000 annually. The gentleman from Massachusetts, instead of going to the Senate and joining with the gentleman from Kentucky [Mr. BECK] in urging this measure, proposes to say, "Here is a measure which we all agree is a good thing, an excellent thing, but which we have not time to perfect." They have had time to put a duty on silk, they have had time to readjust the duty on choice wines, they have had time for everything but to tax this great and overshadowing interest which, as proved in this book, the Gold Panic, has done the country more damage than all other influences combined in depressing business. They say these brokers have reformed themselves. Why, sir, I have here a report showing that on one day last week \$60,000,000 of gold were sold, and that only two millions of this were for any legitimate business purpose.

Why, sir, the panic of last fall, like the panic of Black Friday, was brought about by these men by their stock-gambling, their fictitious sales of stocks and gold, and by their hoarding the currency of the country, doing anything to deplete the Treasury and advance their own interests to the ruin of the country. That panic was brought about and all our panics since the war have been brought about by these men who are living on the life-blood of the nation, and who will cry out against any taxation of themselves and in favor of putting it on the land and labor of the country.

I call on the gentleman from Massachusetts [Mr. DAWES] to stand by the action of the majority of this House, and when he goes back to the Senate the best and most experienced men of the Senate will stand by him, and every man there will stand by him who has not been committed in this matter prematurely. This book shows how that tax was repealed.

Several MEMBERS. What book is that?

Mr. STARKWEATHER. It is the history of the gold panic reported to the House two years ago. Do gentlemen forget the influences which controlled the House before?

Mr. DAWES. I must resume the floor.

Mr. STARKWEATHER. I say let the House vote down this conference report and ask a further conference, and you will have a bill that is worth something and that will give us these twelve millions to pay our debts.

Mr. DAWES. Am I entitled to the floor?

Mr. KELLOGG. I wish to ask my colleague whether he confines his attention to sales of stock?

Mr. DAWES. I ask the Chair which of these gentlemen from Connecticut, if either of them, has the floor? I thought I had it.

The SPEAKER. The gentleman from Massachusetts has the floor.

Mr. STARKWEATHER. It was yielded to me.

Mr. DAWES. If I understand the rules correctly, when I yield five minutes to a gentleman he ought to stop when his five minutes are out.

Mr. STARKWEATHER. I would stop when I got through. I have been interrupted.

The SPEAKER. The time of the gentleman from Connecticut [Mr. STARKWEATHER] has expired.

Mr. STARKWEATHER. Then I will simply ask gentlemen to vote down this report.

The SPEAKER. The gentleman from Massachusetts [Mr. DAWES] resumes the floor.

Mr. DAWES. I yield to my colleague on the committee, the gentleman from Iowa, [Mr. KASSON], five minutes.

Mr. KASSON. I have but a very few moments, and I desire to use them in speaking of the measure reported by the committee. There are four points upon which a difference seems to exist in the House. I will first take up the gold sales. There are few men in this House, I apprehend, who do not remember the previous attempt that was made in the same spirit in which this is made by the gentleman from Connecticut [Mr. STARKWEATHER] with the same *ad captandum* appeals to the House and the country to regulate gold sales in New York. And does not the gentleman remember the success which attended them? Does he remember how many days our legislation remained in force? And now his proposition is upon a bill reported by himself without the sanction of a committee and with no written recommendation from the Commissioner of Internal Revenue, nothing but a report of what the Commissioner said, furnished by him to the House. He asks this House to reject a conference report because it does not contain the clause which he recommended to the House and the House adopted after a five-minutes speech.

The fact is clear that this House does not want to pass a bill which, in the former case, they repealed in thirty days. They do not wish to make themselves ridiculous in the eyes of the country by passing a measure which they cannot yet see their way through. And, again,

if the Senate refuses the measure, how is the action of that gentleman, or of this House, going to make the Senate pass it in the last hours of the session, or at any other time? The only way in which we can expect to get this measure through is by maturing it early in this House if the Senate is not in favor of it, and going early to the Senate when they have time to discuss it, and the friends of the measure have time to win the Senate to its support.

For myself I shall be glad to realize \$12,000,000, or even \$4,000,000 from that source, but I know from practical experience in the former case that it is vain for us to attempt to try it in this House against the deliberate opinion of the Senate and expect to get it through at this time. I come now to the wine question.

Mr. CESSNA. Before the gentleman leaves the other point which he has been discussing, will he allow me to ask a question bearing upon it?

Mr. KASSON. It will not occupy much of my time.

Mr. CESSNA. I wish to know if the gentleman can tell the House why and how that bill on a former occasion was repealed within thirty days?

Mr. KASSON. I cannot go just now into a discussion of the old bill. I only refer to the fact that when we did attempt such legislation it was done with the same eagerness, and was followed by most disastrous results, raising the premium on gold so high that the whole country was alarmed; and I fear the same result would now follow hasty and unwise legislation. Such a bill should be matured after consultation with the business interests affected, so that we may know what its effect will be, instead of dealing rashly with the subject here.

Secondly, upon the duty on wines the gentleman says that this bill only reduces the duty upon the high grades of wines. The gentleman in making that charge certainly must have forgotten that we raised the duty upon the low grades of wine from twenty-five to forty cents a gallon, and taking a period of five or six years it will be found that nine-tenths of the wines imported are of the low grade. It is now proposed to get rid of *ad valorem* duties, and to make the duties specific, and it is estimated that this will increase the revenue not less than \$1,000,000.

The third point is in reference to the tobacco question. We desired to benefit the manufacturers by giving them a drawback on the amount of licorice used in the manufacture; but the committee left in the bill the clause which relates to the exportation of manufactured tobacco, which greatly enhances the export trade from this country.

The only remaining question in the report is that of jute-butts, to which the gentleman from Kentucky seems to attach very little importance. Upon that question I have only to say that I have letters in my possession which show that nearly ninety flax-mills in the Northwest went out of existence in consequence of this article being placed upon the free list. We have in this bill placed a duty upon it which will not only yield us some revenue, but will revive that industry in the Northwest.

Mr. LAMISON. I would ask whether the report increases the duty on this article?

Mr. KASSON. No; it is substantially the old duty.

Loud cries of "Vote!" "Vote!"

Mr. DAWES. I call for the previous question.

The previous question was seconded and the main question ordered, being upon agreeing to the report of the committee of conference.

Mr. HARRIS, of Virginia. Upon that question I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 49, nays 136, not voting 104; as follows:

YEAS—Messrs. Albert, Albright, Barber, Bass, Biery, Bradley, Buffinton, Amos Clark, Jr., Conger, Crooke, Dawes, Dunnell, Eames, Foster, Gunkel, Robert S. Hale, Benjamin W. Harris, Joseph R. Hawley, E. Rockwood Hoar, Hubbell, Kasson, Lawson, Lowe, Lowndes, Merriam, Moore, O'Neill, Pendleton, Rapier, Rice, Ellis H. Roberts, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sheldon, A. Herr Smith, George L. Smith, Sprague, Stanard, Todd, Townsend, Waldron, Charles W. Willard, John M. S. Williams, James Wilson, and Woodford—49.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Averill, Banning, Barnum, Barrere, Barry, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg Brown, Bundy, Burdard, Burleigh, Benjamin F. Butler, Cain, Caldwell, Cannon, Cason, Cessna, John B. Clark, Jr., Clements, Clymer, Stephen A. Cobb, Comingo, Cook, Corwin, Creamer, Crossland, Crouse, Crutchfield, Danford, Darrall, Davis, Durham, El-dredge, Field, Frye, Giddings, Glover, Gooch, Gunter, Hagans, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Gerry W. Hazelton, John W. Hazelton, Hereford, George F. Hoar, Hodges, Houghton, Howe, Hunton, Hyde, Hynes, Kellogg, Kendall, Lamar, Lamison, Lampport, Lawrence, Leach, Lofland, Loughbridge, Lynch, Magee, Marshall, Martin, Maynard, James W. McDill, MacDougall, McLean, Milliken, Mills, Morrison, Packer, Isaac C. Parker, Phillips, James H. Platt, Jr., Pratt, Randall, Ransier, Read, Robbins, James C. Robinson, James W. Robinson, Ross, Milton Saylor, Sener, Sessions, Shanks, Sheats, Sherwood, Sloan, Sloss, Smart, John Q. Smith, Snyder, Speer, Standiford, Starkweather, St. John, Stone, Stowell, Strait, Sypher, Thornburgh, Tyner, Vance, Wallace, Walls, Jasper D. Ward, Wells, White, Whitehead, Whitehouse, Whiteley, Whitthorne, Wilber, George Willard, Charles G. Williams, William B. Williams, Willie, John D. Young, and Pierce M. B. Young—136.

NOT VOTING—Messrs. Archer, Begole, Berry, Buckner, Burrows, Roderick R. Butler, Freeman Clarke, Clayton, Clinton L. Cobb, Coburn, Cotton, Cox, Crittenden, Crocker, Curtis, DeWitt, Dobbins, Donnan, Duell, Eden, Elliott, Farwell, Fort, Freeman, Garfield, Eugene Hale, Harmer, Hathorn, John B. Hawley, Hays, Hendee, Herndon, Hersey, Holman, Hooper, Hoskins, Hunter, Hurlbut, Jewett, Kelley, Killinger, Knapp, Lansing, Lewis, Luttrell, McCrary, Alexander S. McDill, McJunkin, McKee, McNulta, Mitchell, Monroe, Morey, Myers, Neal, Neg-

ley, Nesmith, Niblack, Niles, Nunn, O'Brien, Orr, Orth, Packard, Page, Hosea W. Parker, Parsons, Pelham, Perry, Phelps, Pierce, Pike, Thomas C. Platt, Poland, Potter, Purman, Rainey, Ray, Richmond, William R. Roberts, John G. Schumaker, Lazarus D. Shoemaker, Small, H. Boardman Smith, J. Ambler Smith, William A. Smith, Southard, Stephens, Storm, Strawbridge, Swann, Taylor, Charles R. Thomas, Christopher Y. Thomas, Tremain, Waddell, Marcus L. Ward, Wheeler, William Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, and Woodworth—104.

So the report of the committee of conference was rejected.

During the roll-call the following announcements were made:

Mr. CLARK, of Missouri. I desire to state that my colleague, Mr. CRITTENDEN, is detained at home by sickness. If here he would vote "no."

Mr. GUNCKEL. I desire to state that my colleague, Mr. MONROE, has been compelled to leave the Hall on account of indisposition.

Mr. SPEER. I desire to state that my colleague, Mr. STORM, is paired with the gentleman from New York, Mr. WHEELER, upon all political questions. I do not know whether this is to be regarded as a political question.

Mr. RANDALL. O, no! I protest against the tariff being regarded as a political question.

Mr. SPEER. My colleague, Mr. STORM, if here would vote "no." I do not know how Mr. WHEELER would vote.

Mr. MAYNARD. I move that a new conference be requested upon the disagreeing votes of the two Houses upon this bill.

The motion was agreed to upon a division—yeas 98, noes 48.

The SPEAKER announced the appointment of Mr. MAYNARD, Mr. STARKWEATHER, and Mr. BECK as the conferees upon the part of the House.

Mr. BECK. I think I must ask the Chair to excuse me.

The SPEAKER. By parliamentary usage the gentleman is entitled to serve.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced to the House that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the following bills:

A bill (S. No. 733) regulating gas-works;

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; and

A bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned.

INSANE CONVICTS.

Mr. MACDOUGALL, submitted the report of a committee of conference, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House concur in the Senate amendments.

C. D. MACDOUGALL,

J. B. RICE,

R. M. SPEER,

Managers on the part of the House.

F. T. FRELINGHUYSEN,

GEORGE G. WRIGHT,

J. W. STEVENSON,

Managers on the part of the Senate.

The report of the committee of conference was agreed to.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under the award made by the arbitration constituted by virtue of the joint article of the treaty concluded at Washington the 8th day of May, A. D. 1871, between the United States of America and the Queen of Great Britain;

A bill (S. No. 252) to remove the political disabilities of John Julius Guthrie;

A bill (S. No. 313) to confirm the purchase of a portion of the site of Fort Houston, at Nashville, Tennessee, and to provide for the donation of the same to the Fisk University for educational purposes; also to confirm the purchase of certain lands at Fort Hamilton, New York;

A bill (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia;

A bill (S. No. 436) for the relief of Lieutenant John Shelton;

A bill (S. No. 906) to relieve C. L. Stevenson, of Virginia, of his political disabilities; and

A bill (S. No. 930) to authorize the Farmers' National Bank of Greensburgh, Pennsylvania, to change its location and name.

Mr. RANDALL. I move that the House now take a recess until ten o'clock to-morrow morning.

The motion was agreed to; and accordingly (at one o'clock and twenty-five minutes a. m.) the House took a recess until ten o'clock a. m.

AFTER THE RECESS.

The recess having expired, the House reassembled at ten o'clock a. m., (Tuesday, June 23, 1874,) the Speaker in the chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The message further 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. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude.

JOHN FLETCHER.

The House then resumed the consideration of business on the Speaker's table under a suspension of the rules; and the first bill was the bill (S. No. 792) for the relief of John Fletcher, surviving partner of Fletcher & Powell.

Mr. LOWE. I move that the rules be suspended and the bill passed.

Mr. SPEER. I move that the bill be referred to the Committee on War Claims.

Mr. LOWE. I hope the gentleman will not object.

Mr. SPEER. I will object; you cannot appeal to me this morning.

Mr. LOWE. I have the Senate report here, showing that this is a strong case.

Mr. SPEER. Debate is not in order.

Mr. RANDALL. This meeting of the House is rather *pro forma* than anything else for the present.

The SPEAKER. Does the gentleman from Kansas object to its going to the Committee on War Claims?

Mr. HAWLEY, of Illinois. It should not go to the Committee on War Claims, but should be referred to the Committee on Claims.

Mr. LOWE. Let it be so referred.

The bill was so referred.

THE REGULATION OF GAS COMPANIES, DISTRICT OF COLUMBIA.

Mr. SESSIONS. I rise to a privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (S. No. 733) regulating gas-works, 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 its disagreement to the first amendment of the House and agree to the same.

That the Senate recede from its disagreement to the second amendment of the House and agree to the same with the following amendments: Strike out the words "eight dollars" and insert in lieu thereof the words "eight dollars and a half," and after the words "ensuing year" insert the words "excepting the Ritchie mineral and Richmond coal, the cost of which shall not enter into any calculation in making an average, which statement shall be."

The committee also recommend the following amendment to section sixteen: Strike out the words "Washington Gas Company" and insert in lieu thereof the words "any gas-light company in the District of Columbia."

W. L. SESSIONS,
CHARLES O'NEILL,
STEVENSON ARCHER,
Managers on the part of the House.
JUSTIN S. MORRILL,
WILLIAM B. ALLISON,
HENRY COOPER,
Managers on the part of the Senate.

The report was adopted.

Mr. SESSIONS 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.

INCREASE OF SOLDIERS' PAY.

The next business on the Speaker's table was the bill (S. No. 800) to amend the act entitled "An act to increase the pay of soldiers in the United States Army, and for other purposes," approved June 20, 1864.

The bill was read.

Mr. HAWLEY, of Connecticut. I do not know who has that bill in charge. The subject was before the Committee on Military Affairs and was discussed. I think the bill is entirely safe.

Mr. COBURN. An act has been already passed on that very subject. It is the law now.

Mr. HAWLEY, of Connecticut. Has it passed both Houses?

Mr. COBURN. Yes, sir.

Mr. ELDREDGE. I move it be referred to the Committee on Military Affairs.

The motion was agreed to.

CONDEMNED CANNON TO MASSILLON, OHIO, FOR MONUMENTAL PURPOSES.

The next business on the Speaker's table was the bill (S. No. 924) donating condemned cannon to the city of Massillon, Ohio, for monumental purposes.

The bill was read.

Mr. ELDREDGE. I hope that will not be passed. We have given

cannon away without knowing anything of the value of them. I hope that business will be stopped.

Mr. SPRAGUE. I move to suspend the rules and pass the bill.

The House divided; and there were—ayes 21, noes 25.

So (two-thirds not having voted in the affirmative) the rules were not suspended, and the bill was not passed.

On motion of Mr. ELDREDGE, the bill was then referred to the Committee on Military Affairs.

PROTECTION OF PERSONS OF FOREIGN BIRTH.

The next business on the Speaker's table was the bill (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude, returned from the Senate with the following amendments:

Strike out all after "service" in line 7 down to and including "thereof" in line 12, and strike out sections 3 and 4; so it will read:

That whoever shall knowingly and willfully bring into the United States, or the territories thereof, any person inveigled or forcibly kidnapped in any other country, with intent to hold such person so inveigled or kidnapped in confinement or to any involuntary service, and whoever shall knowingly and willfully sell or cause to be sold, into any condition of involuntary servitude, any other person for any term whatever, and every person who shall knowingly and willfully hold to involuntary service any person so sold and bought, shall be deemed guilty of a felony, and, on conviction thereof, be imprisoned for a term not exceeding five years, and pay a fine not exceeding \$5,000.

SEC. 2. That every person who shall be accessory to any of the felonies herein declared, either before or after the fact, shall be deemed guilty of a felony, and on conviction thereof, be imprisoned for a term not exceeding five years, and pay a fine not exceeding \$1,000.

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

The amendments were concurred in.

Mr. PAGE moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALLEGHANY VALLEY RAILROAD COMPANY.

The next business on the Speaker's table was the bill (S. No. 854) extending the right of way heretofore granted to the Alleghany Valley Railroad Company through the arsenal grounds at Pittsburgh, Pennsylvania.

The bill was read. It authorizes the Alleghany Valley Railroad Company to extend its tracks over and occupy the ground between the present track and the Alleghany River where the track, under the act approved February 14, 1853, was laid through the grounds of the United States at and near the Alleghany arsenal, in the county of Alleghany, in the State of Pennsylvania; provided that the mode and purpose of occupation shall first be submitted to and approved by the Secretary of War; and the value of the right of way herein granted, as fixed by a board of Army officers as the Secretary of War may detail to make such valuation, shall be paid into the Treasury before occupation in pursuance of the act.

Mr. NEGLEY. I move to suspend the rules and pass the bill.

Mr. COBURN. I hope the gentleman will be allowed to explain it.

Mr. NEGLEY. This bill contemplates the occupancy of a small piece of valueless land lying outside of the railroad track near the river. It is of no use to the Government; but still whatever value it may have will be paid for.

The motion of Mr. NEGLEY to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SAWYER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of public works on rivers and harbors for the fiscal 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 its amendments numbered 3, 24, 29, and 45.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 25, 26, 27, 28, 31, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 47, 48, and 49, and agree to the same.

That the Senate recede from its amendment numbered 4 and substitute the following words: "For the improvement of the harbor at Erie, Pennsylvania, \$20,000;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out the words "two hundred" and insert the words "one hundred and fifty" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20 and agree to the same with an amendment as follows: Strike out the words "seventy-five" and insert the word "fifty" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 21, and agree to the same with an amendment as follows: Strike out the words "two hundred" and insert "one hundred and fifty" in lieu thereof; and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 30, and agree to the same with an amendment as follows: Strike out the words "according to the plans reported by the Government engineers;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 32, and agree to the same with an amendment as follows: After the words "twenty thousand dollars" insert "or so much thereof as may be necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 38, and agree to the same with an amendment as follows: After the word "and" insert

"\$10,000 is hereby appropriated for the improvement of;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 50, and agree to the same with an amendment as follows: Strike out the words "two from the Army, two from the Coast-Survey" and insert in lieu thereof "three from the Army, one from the Coast-Survey;" also strike out the word "fifty" and insert the word "twenty-five" in lieu thereof; and the Senate agree to the same.

Z. CHANDLER,
WM. A. BUCKINGHAM,
GEORGE R. DENNIS,
Managers on the part of the Senate.

PHILETUS SAWYER,
RICHARD C. PARSONS,
ERASTUS WELLS,
Managers on the part of the House.

Mr. WILLARD, of Vermont. How much does this conference report reduce the appropriations in the bill as it passed the Senate?

Mr. SAWYER. About \$250,000.

Mr. WILLARD, of Vermont. How much more does the bill appropriate than when it left the House?

Mr. SAWYER. A little less than half a million dollars besides the \$200,000 for surveys. The amount now appropriated by the bill is altogether about \$700,000 over the amount appropriated by the bill as it left the House, and a little over half a million dollars less than the appropriations in the similar bill last year.

Mr. SPEER. I understand that this bill appropriates now about \$750,000 more than when it passed the House?

Mr. SAWYER. About \$700,000.

Mr. SPEER. These are pet appropriations put in by Senators, I suppose?

Mr. SAWYER. No, sir; a great many of them are for works which had been officially recommended and which were entirely proper if we entered upon any new work.

Mr. SPEER. Is there anybody that the gentleman knows of that is now not provided for in this bill?

Mr. SAWYER. O, lots of them.

Mr. HALE, of Maine. There are enough for another bill next year.

Mr. SPEER. Would it not be well to amend the bill and put them all on?

The report of the conference committee was adopted.

Mr. SAWYER 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.

LEAVE TO PRINT.

Mr. GARFIELD, by unanimous consent, obtained leave to have published in the RECORD some remarks on the subject of surveys for transportation routes, and on the general question of transportation and railroads. (See Appendix.)

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the fiscal 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 its amendments numbered 13 and 15.
That the House recede from its disagreement to the amendments numbered 2 and 5, and agree to the same.

That the House recede from its disagreement to the sixth amendment and agree to the same with an amendment as follows: Strike out the words "library of the office of Assistant Attorney-General," and insert in lieu thereof the word "use;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the eighth amendment and agree to the same with amendments as follows: In line 1 of said Senate amendment, after "on" insert "and after the 1st of January, 1875;" and on line 4 of the House amendment to the said Senate amendment strike out the words "one cent and five mills" and insert "two cents;" and strike out all after "provided," in line 7, and insert "that nothing in this act shall be held to change or amend section 99 of the act entitled 'An act to revise, consolidate, and amend the statutes relating to the Post-Office Department, approved June 8, 1872,'" and in section 6, line 1, after "that" insert the words "on and after the 1st day of January, 1875;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the twelfth amendment, and agree to the same with amendments as follows: In the second amendment of the House to said amendment strike out "taken" and insert "made;" in line 31 of said Senate amendment strike out "one;" and the House agree to the same.

That the House recede from its disagreement to the fourteenth amendment and agree to the same with amendments as follows: In line 9 strike out "eight" and insert "six;" in line 33 strike out "eight" and insert "six;" in line 67 strike out "fifty" and insert "sixty;" in line 68 strike out "forty" and insert "fifty;" in line 69 strike out "thirty" and insert "forty;" and the Senate agree to the same.

That the House recede from its disagreement to the sixteenth amendment and agree to the same with an amendment as follows: In line 87 strike out the words "a letting under advertisement can take place," and insert in lieu thereof, "the service shall have commenced under a contract made according to law;" and the Senate agree to the same.

That the House recede from its disagreement to the seventeenth amendment and agree to the same with an amendment as follows:

Insert in lieu of said amendment the following:

That hereafter the postage on public documents mailed by any member of Congress, the President, or head of any Executive Department shall be ten cents for each bound volume and on unbound documents the same rates as on newspapers mailed from the known office of publication to regular subscribers; and the words "Public document" written or printed thereon, or on the wrapper thereof and certified by the signature of any member of Congress, or by that of the President, or head of any Executive Department, shall be deemed sufficient certificate that the same is a public document, and the term "public document" is hereby defined to

be all publications printed by order of Congress or either House thereof: *Provided*, That the postage on each copy of the daily CONGRESSIONAL RECORD mailed from the office of Washington as transient matter shall be one cent.

And the Senate agree to the same.

JAMES N. TYNER,
J. G. CANNON,
S. S. MARSHALL,
Managers on the part of the House.

WM. WINDOM,
WM. B. ALLISON,
H. G. DAVIS,
Managers on the part of the Senate.

Mr. TYNER. I will demand the previous question on the adoption of the report unless some gentleman desires to ask questions in regard to it.

Mr. SPEER. Will the gentleman state how the postage question is left?

Mr. ELLIS H. ROBERTS. I would like to ask the gentleman from Indiana [Mr. TYNER] what has been done, first, as to the time when prepayment would be required on newspapers, and second, as to the rate upon newspapers?

Mr. TYNER. The conference report provides that the prepayment of postage on newspapers shall commence on the 1st day of January, 1875. It also provides that the rate of postage on newspapers shall be 2 cents per pound upon all newspapers published weekly and more frequently, and 3 cents per pound upon all publications published less frequently than once a week.

Mr. BUNDY. That includes magazines.

Mr. TYNER. Yes; it includes magazines. That was the main point of difference between the House and the Senate. The Senate had inserted 4 cents a pound on newspapers. The House in the bill passed a few days ago, and which was incorporated almost bodily in the post-office appropriation bill, had agreed upon 1½ and 3 cents. When the first committee of conference met we found it almost impossible to agree upon any sum less than 4 cents. But an agreement was effected by the concurrence of two of the Senate conferees at the rates which the House had previously fixed, to wit, 1½ and 3 cents. When the conference report was submitted to the Senate, one of the conferees opposed it upon the ground that the rate of postage upon newspapers was too little, and the conference report was defeated.

When we came together last evening we found that the conferees on the part of the Senate considered themselves under instructions not to yield to the House conferees, and the only compromise that we could get that seemed to come anywhere near to what the House desired was the rate of 2 cents per pound.

Mr. ELLIS H. ROBERTS. Will the gentleman allow me another question?

Mr. TYNER. Certainly.

Mr. ELLIS H. ROBERTS. The House adjusted the newspaper postage in a separate bill; the Senate put that upon an appropriation bill. Now, as I understand, the Senate by having the bill upon an appropriation bill seeks to compel the House to yield to it its judgment upon the question of postage; and I desire to make this point: that the Senate by ingrafting legislation upon an appropriation bill is able now to compel the House to yield against its own judgment.

Mr. TYNER. It does not become me as a member of the House, or as one of the conferees on the part of the House, to say that the Senate has compelled us to do anything. It is true that we sent to them a clean appropriation bill without any legislation in it whatever. The Senate exercising its right did ingraft upon that bill a vast amount of legislation, and just such legislation as never ought to be forced through the two Houses upon an appropriation bill or in any other way than after the most thorough examination and the fullest deliberation.

Now, as I said before, it is not part of my purpose, nor would it be becoming in me to criticize that action on the part of the Senate. But I say this, and I take this occasion to say it perhaps for the first time publicly since I have been a member of the House, that in my judgment the rules ought to be so changed that not a single item of legislation should ever be ingrafted on any appropriation bill. But the rules do permit this to be done. It has been done, and we have to meet it now as we find it.

Mr. COBB, of Kansas. I understand that the conferees on the part of the House have also yielded to the amendment of the Senate which emasculated the House bill that we passed some time back relative to the letting of contracts, and that as it now stands the Postmaster-General in making contracts for temporary service or regular service in case of the failure of the original contractors is confined to the list of bidders bidding in the first instance, instead of being permitted, as he was allowed to do by the original bill which left the House, to let it to the bidders in the first instance and afterward to go to all the world, provided they would take it at the same price, without the necessity of an additional advertisement.

Mr. TYNER. In response to that I will say that the bill which the House sent to the Senate required that the bids for contracts in the Post-Office Department should be accompanied by bonds. It was designed to break up the vicious system of what is known as straw-bidding. This provision was materially amended by the Senate, who ingrafted in this appropriation bill, as a part and parcel of it, a provision which was entirely different from that originally passed by the House. The legislation adopted by the conference committee entirely defeats the legislation originally provided

by the House. I have no hesitation in saying that the House bill upon this subject was decidedly better than that which is here proposed. I desire further to say in this connection that as one of the conferees on the part of the House I would not have agreed at all to the amendments of the Senate if I had not believed that it was a slight improvement on the present law.

Mr. COBB, of Kansas. Then I understand by the reply of the gentleman from Indiana that the bill is emasculated as I stated. And I wish to put it on record as a fact that it is in my judgment the triumph of the contractors again in the Post-Office Department by reason of this pernicious system of legislation of attaching laws to appropriation bills.

Mr. ELDREDGE. I desire to ask the gentleman a question.

Mr. TYNER. I will yield for that purpose.

Mr. ELDREDGE. As I understand it the report of the committee of conference leaves the law as it existed before any amendment was made. It allows the Government to be cheated by this class of bidders, known as straw-bidders. Instead of protecting the Government against these bids, these rings and combinations, the Postmaster-General is allowed to give out contracts to any one he pleases, even though no bid be made.

Mr. TYNER. I will answer that point. I think the gentleman from Wisconsin has taken a little too broad a view in regard to what is accomplished by the report. The law as it now stands provides that any party making a bid for the transportation of the mails shall send in a written statement signed by one or more persons that he will faithfully perform his contract; but this bill provides that at the time a proposed contractor files his bid he shall also file his bond signed by securities who must first take an oath that they have real estate of more than double the value of the amount involved.

Mr. ELDREDGE. What is the penalty attached to such bond?

Mr. TYNER. The penalty is the liquidated damages on the amount of the bond.

Mr. ELDREDGE. What is the amount of the bond that the bidder is required to be responsible for in fact?

Mr. TYNER. Such amount as the Postmaster-General may indicate in the advertisement for the proposals for the route.

Mr. ELDREDGE. Does not the gentleman know that the old law required bonds; but does he know a single instance in which the penalty was recovered? Did he ever know a case in which forfeiture was made of the bonds of the defaulting contractors?

Mr. TYNER. I think the gentleman does not give to the conference report the full credit that it deserves. The law as provided for in this report is undoubtedly better than the law under which the Post-Office Department has hitherto given out contracts. I do not know a single instance under the old law where damages have been recovered on the bond of a defaulting contractor.

If the gentleman will listen to me I will state briefly all the provisions of the pending law as we propose to amend it. In the first place the bidder must file his bonds with the Postmaster-General, and if that bid exceeds the sum of \$500,000 he must also file a certified check for the amount, with 5 per cent. interest. There are these two securities.

Then, in order to identify the sufficiency of the bond, the sureties and the bidders must take an oath that they own unincumbered real estate worth double the amount in value of the amount named in the bond. Then in addition to that still further, the postmaster, who approves the sufficiency of the bond, by the present law, in the event he shall knowingly approve a bond which he believes to be insufficient, or shall approve it without proper and due examination, is not only to be removed from office, but disqualified forever from holding a post-office. Then in addition to that the penalty imposed upon that postmaster, in the event of a prosecution and conviction, may be not less than \$5,000, whereas under the present law it would not exceed the sum of \$1,000.

Again, under the last law, under which only one single letting has been made, the Postmaster-General, when the accepted bidder failed to enter upon his contract, was authorized to go to the second bidder only. In the event the second bidder would not take the contract, then he was authorized to make a contract with outside parties for twelve months. This bill provides that after the first contractor fails the Postmaster-General shall go to the second if his bid be not too high, and if the second fails then he may go on up the list to the last bidder, and make a contract at any price that he does not consider too high. In the event that he cannot thus obtain a contractor, then he is authorized to let a temporary contract for a period not exceeding six months and at a price not above that of the last regular contract on that route.

Now I submit to the gentleman from Wisconsin [Mr. ELDREDGE] that while this bill does not meet my views, while I believe I could frame a provision that would most effectually cut off straw-bidding, a provision which would tally precisely with the provision of the bill sent by the House to the Senate, yet when we cannot get all we want, is it not wise to get all we can if it is better than what we now have?

Mr. ELDREDGE. I concede that it is wise to get the best that we can; there is no doubt about that. But the bill of the House, as I understood it, provided for the reletting of the contract by advertisement; it took away this discretion which has been vested in the Postmaster-General and which has been so much abused. I do not

believe in leaving that discretion there. I do not say that the suggestion of the gentleman that the Postmaster-General has the right to go up the list and not let a contract at a higher price than contracts had been previously let is any protection whatever. We know very well that when the old contractor is on the ground, with his horses and wagons and his stock in general, he can keep everybody else from that route. It must be an actual letting under an advertisement or it will amount to nothing but straw; and straw-bidding will continue, in my judgment, in spite of all the things which the gentleman has suggested.

Mr. TYNER. The gentleman from Wisconsin is very correct in his views that under the present law, in the event of the failure of the contractor to perform the conditions of his contract, the Postmaster-General then must let a temporary contract to the man who has stock on hand and is ready to go upon the route and perform the service. But the gentleman ought to remember that under the present law the Postmaster-General may make that temporary contract for twelve months, while the bill we are now considering provides that he shall not let it for more than six months, and shall not in that contract exceed the amount of the last regular contract on that route. I apprehend the gentleman from Wisconsin will see at once that this is a little advantage. It is not all we want; it is not what the gentleman wants; nor is it what any gentleman in this House wants who has honestly, carefully, and wisely considered the subject. We will, in my judgment, never get a law which is anything like right until we require the Postmaster-General, upon the failure of the accepted bidder, to go outside and contract with other parties.

Mr. ELDREDGE. I would like to know what force there is operating in this House and in the Senate that prevents this wholesome provision which the gentleman himself says that we ought to have. I have no doubt of the sincerity of the gentleman. I believe he does sincerely want to guard against these frauds. But what power is there, secret or otherwise, which overcomes him in his efforts to get an honest provision of law to protect the Government? Is it in this House or around this House or in the Department? What power is there so mysterious as to balk all the efforts of this Congress to do what ought to be done?

Mr. TYNER. The gentleman from Wisconsin ought to know that I am not able to answer his question. I have been in this House for five years, during which time I have been more or less intimate with the affairs of the Post-Office Department as they come here. If there is a ring or a lobby or any other kind of influence about this House or the other House that prevents the passage of such bills as are necessary to protect the Government in this regard, I say to him frankly that I never saw them; I know nothing about them. No man has ever approached me on the subject; no man ever dared to.

Mr. ELDREDGE. I do not suppose the gentleman has ever been approached in that way. I hope he did not understand me as intimating any such thing.

Mr. TYNER. I do not.

Mr. ELDREDGE. I do not believe that the gentleman can be approached. But there is some mysterious force at work so that when we find an almost unanimous opinion in Congress in favor of adopting such a provision as shall protect the Government, we cannot accomplish that purpose. I say that we should stay here till next August, nay, till the time for the next session to commence, before we should allow ourselves to be balked in our effort to provide against this crying evil.

Mr. LUTTRELL. I hope that this matter will be recommitted to the conference committee; and let us, as the gentleman from Wisconsin [Mr. ELDREDGE] says, stay here, if need be, till the commencement of the next session in order to break up this combination to defraud the Government. I say that we should refuse to adjourn until this system of "straw-bidding" is broken up.

Mr. TYNER. The indignation of the gentlemen is all right; but we are getting now a law better than we have had.

I yield a moment to the gentleman from Connecticut, [Mr. HAWLEY;] and then I propose to yield for a short time to the gentleman from Pennsylvania, [Mr. PACKER.]

Mr. HAWLEY, of Connecticut. Mr. Speaker, I am very sorry that the conference committee thought it necessary to yield upon the subject of postage on newspapers, because I am sure that the report in that respect is, as it now stands, an error. I feel very sure, indeed I know, that the judgment of the Postmaster-General is with me in this matter. I know from his own most emphatic expressions on the subject that he would have preferred to risk the failure of the appropriation bill rather than yield to the original demand of the Senate; and it is with great reluctance that he has yielded to this final settlement.

I have no right to speak of gentlemen's motives as unworthy; but I do think it is an unworthy motive if gentlemen believe that in adopting such a measure as this they are in any way punishing any class of people. I hear intimations of that sort sometimes; but it seems to me such considerations ought not to enter into legislation. If any gentlemen fancy that they have given abundant protection—a heavy protective tariff as it were—to the country or local newspapers, and that it is at the same time a matter of congratulation that we have put a sudden, unexpected, and very heavy burden upon papers of wider circulation, I think they look at this matter in the wrong light.

There is no paper that is circulated exclusively within the county of its publication; there is scarcely any paper that is located precisely within the center of its county. Many of these local papers circulate about equally in several counties. Hence you do not, by the action here proposed, exempt any newspaper entirely from postage, while you put an unforeseen and very heavy tax upon the majority of them.

In concurring with the Senate—in yielding the point of putting the rate at 2 cents—we are partly defeating the object of the movement.

Prepayment of postage is just and right; but there is this consideration which you must look at: you may put your rate so high that you will defeat your object. When you fix the rate at 2 cents a pound or \$40 a ton for papers which in the majority of cases go but a comparatively short distance, only an exceptional few circulating hundreds or thousands of miles, you make it an object for all newspapers of any considerable circulation—for all of them in fact—to avoid the mails as much as possible. Every publisher whose circulation is at all considerable and who can take advantage of railroad facilities will make an arrangement by the year with the express companies, which have shown themselves more liberal in this matter toward the newspapers than Uncle Sam. They will take the papers at lower rates and will on the average beat Uncle Sam in prompt delivery. Thus by this legislation you induce the newspaper publishers to avoid to the utmost of their ability the post-office and seek arrangements with railroad companies or the express companies.

If on the contrary you would fix the rate lower—if you would fix it as low as the House fixed it, 1½ cents per pound, or 1 cent per pound as I think it should be, and for the country papers ½ cent, so that everybody would pay something, while the whole rate would be low—you would get nearly the whole business except where the newspapers might be compelled to take advantage of early trains or where the mails could not give them sufficient accommodations; and thus your aggregate revenue would be greater than it will be under this arrangement. Besides that, you would avoid what it is always desirable to avoid in taxation—the unnecessary exasperation or worrying of those who are to pay the tax with a sense of inequality and injustice.

I think you ought to make all the papers pay postage; I do not think there is any justice in exempting any of them entirely. But you should make the rate very low for short distances, within the county or within a hundred miles of publication and larger for greater distances. I think there would be no difficulty in having rates discriminated as to distance. Let all the papers pay something; but make the rates so low that you will increase your revenue. As the law now stands you do not get one-half, I suppose you do not get one-fourth, of the postage you are entitled to. By fixing the postage at the low rates I am advocating you will offer an inducement to publishers to make use of the mails and will very considerably increase your revenue, while at the same time this will be a more satisfactory form of taxation.

In conclusion, let me say that I join with the chairman of the conference committee [Mr. TYNER] in emphatic condemnation of this whole business of attaching general legislation to appropriation bills. I have thought again and again during this session that if I should come here another session I would begin on the very first day and resist every proposition to put general legislation on appropriation bills.

I hope there may be adopted some joint resolution, some provision as rigid as can be made, to avoid the whole of it. Nothing but mischief comes out of it. We have ten times the discussion on appropriation bills we ought to have or we would have if appropriations were only included which were authorized by law. We have only wrangles, disagreements between the two Houses, conference committees, and general dissatisfaction because of the abuse complained of.

Mr. SPEER. Let me ask the gentleman whether he did not vote to suspend the rules and allow the Choctaw claim to be placed upon one of the appropriation bills?

Mr. HAWLEY, of Connecticut. Quite likely I have sinned with the rest. It seemed to be the only way to get justice done to the Choctaws. We owe that money to the Choctaws just as much as the gentleman's washing bill is due to his laundress.

Mr. SPEER. I have settled that bill, and so do not owe anything.

Mr. HAWLEY, of Connecticut. Then change the illustration—as much due as his will be.

Mr. TYNER. My colleague on the committee of conference, the gentleman from Illinois, [Mr. MARSHALL,] desires to be heard for a very short time. I have also promised to yield to the gentleman from Pennsylvania, [Mr. PACKER,] chairman of the Committee on the Post-Office and Post-Roads.

Mr. RANDALL. I suggest that we now adjourn, as it only lacks five minutes of the expiration of this legislative day.

Mr. TYNER. Very well.

And then, on motion of Mr. RANDALL, (at five minutes to eleven a. 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. AVERILL: The petitions of Eden, Prairie, and Miltona Granges, of Hennepin and Douglas Counties, Minnesota, for the pass-

age of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. BARRERE: The petition of Morris Pinchouer, for a charter to construct a canal in Nevada, to the Committee on the Public Lands.

By Mr. BUNDY: The petition of 56 citizens of Columbiana County, Ohio, for the restoration of the 10 per cent. duty on certain imports, to the Committee on Ways and Means.

By Mr. BURCHARD: The petition of citizens of Oregon, Ogle County, Illinois, 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. BUTLER, of Massachusetts: The petition of Joseph Fuller for a pension, to the Committee on Invalid Pensions.

By Mr. FORT: Three petitions of citizens of Illinois for the construction of a double-track freight railway from the Missouri River to tide-water on the Atlantic, to the Committee on Railways and Canals.

By Mr. HARRIS, of Virginia: The petition of Samuel Senger, of Rockingham County, Virginia, to be compensated for stock driven off by order of General Sheridan, to the Committee on War Claims.

Also, the petition of Peter Ritchie, of Rockingham County, Virginia, of similar import, to the same committee.

By Mr. HOUGHTON: The petition of Manuel Ferrer and his wife to be allowed to prosecute an appeal in a land case in California, to the Committee on Private Land Claims.

By Mr. MCCRARY: The petition of grange organizations of Iowa, for the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. PLATT, of Virginia: The memorial of the board of trustees of public schools of Washington, District of Columbia, asking that the statue of Thomas Jefferson, now located near the Executive Mansion, be transferred to the grounds of the Jefferson school building, to the Committee on Public Buildings and Grounds.

By Mr. PACKER: The memorial of H. T. McAlister in relation to his patented voting apparatus, to the Committee on Rules.

Also, the petition of citizens of Sunbury, Pennsylvania, for a donation of condemned cannon to ornament the grounds surrounding a soldiers' monument in that place, to the Committee on Military Affairs.

Also, the petition of citizens of Sunbury, Pennsylvania, for an increase of the volume of currency, to the Committee on Banking and Currency.

Also, the petition of druggists of Northumberland County, Pennsylvania, for a repeal of the stamp-tax on medicines, to the Committee on Ways and Means.

Also, resolutions of the Philadelphia County Medical Society in relation to promotions in the Medical Department of the Army, to the Committee on Military Affairs.

Also, resolutions of the Dauphin County Medical Society, of similar nature, to the same committee.

Also, numerous petitions of citizens of Pennsylvania, for the restoration of 10 per cent. of duty on certain imports, to the Committee on Ways and Means.

By Mr. PRATT: The petition of Prairie Grange, Wright County, Iowa, for the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. ROBINSON: The petition of W. B. Brown and 54 others, for the passage of a law to secure the right of franchise notwithstanding their temporary absence in Government employ, to the Committee on the Judiciary.

By Mr. SAYLER, of Indiana: Twenty-six petitions from citizens of fourteen States, containing 504 signatures, for the passage of a law to authorize 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. YOUNG, of Kentucky: The petition of Elizabeth Rice for a pension, to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, June 23, 1874.

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

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

Mr. RAMSEY. I move that the reading of the Journal be dispensed with and that the Senate proceed to the consideration of the post-route bill. If that is not done, I would as soon have the Journal read.

Mr. WASHBURN. I ask that the reading of the Journal be dispensed with.

There being no objection, the reading of the Journal was dispensed with.

CLERKS AT SPRINGFIELD ARMORY.

Mr. WASHBURN. There are two private bills that I should like to have disposed of. The first is House bill No. 1410, to fix the salaries of the clerks of the United State armory in Springfield, Massachusetts.