

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.

Mr. FRELINGHUYSEN. I think the unfinished business of yesterday should come up.

The PRESIDENT *pro tempore*. The unfinished business will come up at the expiration of the morning hour, at eleven o'clock.

Mr. FRELINGHUYSEN. It is necessary that that bill should go to the House. I have no personal interest in it. It is a matter that affects every member of the Senate, and I think it will take no more time now than it will at any other period. I do not think it will occupy more than half an hour, and I hope we shall proceed with it at once.

Mr. WASHBURN. These two private bills will not take a minute.

Mr. FRELINGHUYSEN. So it was last night when to accommodate everybody I gave way, and consequently the bill was passed over.

The PRESIDENT *pro tempore*. The bill indicated by the Senator from New Jersey will come up of its own force at eleven o'clock.

Mr. FRELINGHUYSEN. I should like it to come up by force of a vote before that so that it may be passed before that time.

The PRESIDENT *pro tempore*. The bill indicated by the Senator from Massachusetts being before the Senate, the Senator from New Jersey moves to postpone the same and proceed to the consideration of the Utah bill.

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

Mr. HAMLIN. Mr. President, there is a resolution upon the table reported by the Committee on Foreign Relations in regard to peace, proclaiming peace and good will to all men. It is not legislative; but there is to be a peace convention held during the recess of Congress, and it is very desirable that we should have an expression of this body upon the resolution which has been submitted. It is a simple resolution in accordance with the doctrines laid down in the treaty of Washington. I ask that that resolution may be taken up and passed. I think it will take no time.

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

Mr. HAMLIN. I ask unanimous consent to take up the resolution I have referred to.

Mr. FRELINGHUYSEN. I withdraw my motion for the present.

The PRESIDENT *pro tempore*. The bill indicated by the Senator from Massachusetts being before the Senate, the Senator from Maine asks unanimous consent to proceed to the consideration of the resolution named by him.

Mr. WASHBURN. I hope not.

Mr. HAMLIN. It will not take a minute.

Mr. WASHBURN. It will not take a minute to pass this bill.

Mr. HAMLIN. Very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1410) to fix the salaries of the clerks of the United States armory, in Springfield, Massachusetts. It provides that hereafter in lieu of the compensation now allowed to the clerks at the United States armory in Springfield, Massachusetts, including fuel and quarters, there shall be paid to each an annual salary of \$1,650.

Mr. ROBERTSON. I should like to have this matter explained. Are the clerks there entitled to more pay than at any other place?

Mr. WASHBURN. The Senate will not object, I am sure. This bill does not give them any more pay than they receive now, and does not raise their pay; but they are entitled to fuel and quarters, and the officers at the armory sometimes want to use the quarters which they have. This bill merely provides that the clerks shall receive this pay instead of the fuel and quarters, if the superintendent has not the quarters to give them. He wishes to give the quarters to the officers. The bill is recommended by the superintendent of the armory, and also recommended by the Ordnance Department here. It gives no increase of pay, and only makes this provision when the superintendent cannot furnish the quarters to the clerks.

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

Mr. WASHBURN. There is a pension bill I should like to have passed, Senate bill No. 862.

There being no objection, the bill (S. No. 862) granting a pension to Margaret S. Hastings, was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Margaret S. Hastings, widow of Charles B. Hastings, late a private in Company E, Forty-fifth Regiment Massachusetts Volunteers, and for paying her arrears of pension from the date of the death of her husband to the time her present pension commenced.

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

APPROPRIATION COMMITTEES.

Mr. MORRILL, of Maine. I have a resolution relating strictly to the public service which will take but a moment. The Secretary of the Treasury desires its passage, and I ask for its present consideration:

Resolved, (the House of Representatives concurring.) That the Committees on Appropriations of the two Houses of Congress be authorized to meet at the Capitol during the recess of Congress to make inquiry into and report any method by which reforms may be made in the expenditures in the several branches of the civil service, and the estimates of appropriations, and the appropriation bills.

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

INTERNATIONAL ARBITRATION.

Mr. HAMLIN. Now I ask unanimous consent to take up the resolution to which I have referred.

There being no objection the Senate proceeded to consider the following resolution reported from the Committee on Foreign Relations on the 9th of June:

Resolved, That the United States, having at heart the cause of peace everywhere, and hoping to help its permanent establishment between nations, hereby recommend the adoption of arbitration as a just and practical method for the determination of international differences, to be maintained sincerely and in good faith, so that war may cease to be regarded as a proper form of trial between nations.

The resolution was agreed to.

REPORTS OF PRINTING COMMITTEE.

Mr. ANTHONY, from the Joint Committee on Printing, to whom were referred the following resolutions and memorials, asked to be discharged from their further consideration; which was agreed to:

Resolutions of the House of Representatives to print additional copies of the report of the Commissioner of Agriculture for the years 1872 and 1873;

A memorial of the executive committee of the board of commissioners of pilotage of New Jersey, remonstrating against the passage of Senate bill No. 675 providing for the abolition of the present system of compulsory pilotage;

A resolution of the House of Representatives instructing the Joint Committee on Printing to inquire as to whether the Government Printing Office cannot be dispensed with;

A memorial of the employing printers of Washington remonstrating against printing by the Government Printing Office;

A memorial of citizens of Buffalo, New York, to fix the cost and price list of all publications under laws of Congress;

A resolution to print seventy-five hundred copies of the report of the Smithsonian Institution for the year 1873, with the amendment of the House of Representatives thereto;

A memorial of journeymen bookbinders of Washington, District of Columbia, protesting against a reduction of their wages;

A memorial of journeymen pressmen (letter-press printers) of Washington, District of Columbia, protesting against a reduction of their wages;

A memorial of the journeymen printers of Washington, remonstrating against the reduction of the wages of the journeymen printers at the Government Printing Office; and

A resolution offered by Mr. MORRILL, of Maine, instructing the Committee on Printing to inquire into the cost of reporting and printing the debates of Congress as the same is now being done.

RAYMOND'S MINING REPORT.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print additional copies of Professor Raymond's report on mining statistics, have instructed me to report back the same with an amendment and to recommend its passage.

There being no objection the Senate proceeded to consider the resolution.

The amendment reported by the Committee on Printing was to make the resolution read:

Resolved by the House of Representatives, (the Senate concurring.) That of the report of R. W. Raymond on mining statistics, with the accompanying engravings, there be printed twenty-two hundred and fifty copies, of which one thousand copies shall be for the use of the Treasury Department, two hundred and fifty for the use of the Commissioner, and one thousand copies shall be for sale at the cost of paper and press-work, with an addition of 10 per cent. by the Congressional Printer.

The amendment was agreed to.

The resolution as amended was concurred in.

MORSE MEMORIAL SERVICES.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution of the House of Representatives to print five thousand copies of the memorial services held in the Hall of the House of Representatives April 16, 1872, on the occasion of the death of the late Samuel F. B. Morse, have instructed me to report back the same with an amendment. That amendment is that the proceedings be printed.

Mr. SHERMAN. They have already been printed in the Congressional Globe, I suppose.

Mr. ANTHONY. They were not proceedings of the body; they were proceedings held in the Hall of the House.

Mr. SHERMAN. I do not think we ought to do it.

Mr. ANTHONY. Being objected to, it goes over.

The PRESIDENT *pro tempore*. The resolution will be laid over.

EDUCATION REPORT.

Mr. ANTHONY. I reported a resolution yesterday to print the report of the Commissioner of Education. Our amendment was non-concurred in by the House of Representatives and a committee of conference asked. I thought it was so late that we had better have the sense of the Senate upon it. The Senate can either recede from its amendment or insist upon it without debate.

Mr. SHERMAN. I move that the Senate insist on its amendment.

Mr. ANTHONY. And grant the conference?

Mr. SHERMAN. The House probably will agree to our proposition.

Mr. ANTHONY. It would hardly be courteous to insist and refuse a conference.

Mr. SHERMAN. I have no objection if the Senator thinks it worth while.

Mr. ANTHONY. I move then that the Senate insist on its amendment and agree to the committee of conference.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Messrs. ANTHONY, HOWE, and SAULSBURY were appointed.

COMMITTEE ON PRINTING.

Mr. ANTHONY. Congress has imposed upon the Committee on Printing duties which cannot be discharged during the session of Congress, requiring their supervision of printing that goes on during the recess. For that purpose, and not with any desire to hold meetings, but that we may exercise the authority which Congress imposes upon us, I offer the following resolution:

Resolved by the Senate, (the House of Representatives concurring,) That the Joint Committee on Public Printing is hereby authorized to sit during the coming recess of Congress.

The resolution was agreed to.

Mr. ANTHONY. Now, not knowing what will be the fate of this resolution, I move that the Committee on Printing on the part of the Senate have leave to sit during the recess.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had disagreed 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, asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. HORACE MAYNARD of Tennessee, Mr. HENRY H. STARKWEATHER of Connecticut, and Mr. JAMES B. BECK of Kentucky, managers at the same on its part.

The message also 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. 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, and to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 733) regulating gas-works.

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) for the relief of Lieutenant John Shelton;

A bill (S. No. 930) to authorize the Farmers' National Bank of Greensburgh, Pennsylvania, to change its location and name;

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;

A bill (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia;

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. 8152;

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;

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

A 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.

JESSE F. MOORE AND CHARLES W. LEWIS.

Mr. MERRIMON. I ask to be allowed to call up an unobjected case which will not take a minute. It is House bill No. 2990.

There being no objection, the bill (H. R. No. 2990) for the relief of Jesse F. Moore and Charles W. Lewis, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Jesse F. Moore and Charles W. Lewis \$1,041.06, in full pay and satisfaction for a lot of tobacco improperly seized at Macon, Georgia, in November, 1867, from Jesse F. Moore, and sold January 31, 1868, by J. C. McBurney, acting as collector of internal revenue, and the proceeds of which have been covered into the Treasury.

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

TARIFF AND TAX BILL.

Mr. SHERMAN. In regard to the tariff bill, (H. R. No. 3572,) as it

is perfectly manifest that we cannot do anything further with it now, I move that it be postponed till the first Monday in December next. The motion was agreed to.

WASHINGTON AND GEORGETOWN RAILROAD.

Mr. ROBERTSON. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 3641) to amend an act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1872, to report the same without amendment and ask that it be put on its passage. There will be no objection to the bill, I feel confident.

Mr. SPENCER. I shall be obliged to object.

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

SALE OF INDIAN LANDS.

Mr. INGALLS. I move to proceed to the consideration of House bill No. 3352, reported from the committee of conference.

The motion was agreed to; and the bill (H. R. No. 3352) to further provide for the sale of certain Indian lands in Kansas was considered as in Committee of the Whole.

Mr. SHERMAN. Is that bill subject to objection?

The PRESIDENT *pro tempore*. It is not.

Mr. BUCKINGHAM. I hope there will be no objection.

Mr. SHERMAN. I think that before a bill of this kind, involving we know not how much land, changing our whole land laws, allowing land to be sold on credit, is passed it is due to the Senate, at this period of the session, that it should be fully understood no bill should pass now unless it is perfectly manifest on the face of the bill that it should pass. I ask for an explanation.

Mr. INGALLS. This matter has been fully examined by both committees in the House and Senate at this session. The bill receives the commendation of the Department on Indian Affairs, and is open to no objection whatever on the ground that the Senator mentions.

Mr. SHERMAN. The Senator ought to be prepared then to tell us, either by a written or verbal statement, the number of acres.

Mr. INGALLS. There is a report accompanying the bill which may be read, but there certainly can be no objection to the consideration of the bill.

Mr. SHERMAN. I ask for the reading of the report.

Mr. SCOTT. It is entirely manifest that the only fair and just mode of proceeding this morning is to take up the Calendar under the Anthony rule and proceed with unobjected cases; otherwise there is nothing but a scramble for the floor; and therefore I move to postpone this bill and proceed with the Calendar under the Anthony rule.

Mr. MORRILL, of Vermont. I hope the Senator from Pennsylvania will allow me to call up Senate bill No. 937, a bill of a public nature, in relation to the market company here, and pass it. It will take no longer than it will to read the bill.

Mr. SCOTT. I have no control over it. There are House bills that I should like to have passed of a public nature also, but I desire to get something done.

Mr. INGALLS. There is a question pending, I believe.

Mr. BUCKINGHAM. I beg leave to say a word on the question before the Senate. If I remember the facts connected with this bill, they are simply these: By law provision was made for the sale of these lands some two or three years ago. Under that provision of law a few lands have been sold, and those that have been have not been paid for; and this is a mere extension of time for the payment of those lands. Am I not substantially right?

Mr. INGALLS. That is correct.

Mr. BUCKINGHAM. I hope no one will object to it.

Mr. SHERMAN. If the report is here let it be read.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania to postpone the bill and take up the Calendar of unobjected cases.

The motion was agreed to.

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

Mr. BOUTWELL. Now I move that we take up only House bills in the first place.

The PRESIDENT *pro tempore*. Is there objection to that suggestion?

Mr. STEWART. I object. Let us go on with the Calendar regularly.

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

The motion was agreed to.

JOAB BAGLEY.

The PRESIDENT *pro tempore*. The first House bill on the Calendar at the point where the Calendar was last left off will be reported.

The bill (H. R. No. 294) for the relief of Joab Bagley was considered as in Committee of the Whole.

The preamble recites that it is alleged that on the 30th of September, 1858, under and by virtue of an act of Congress approved March 3, 1855, land warrant No. 95,116, for one hundred and twenty acres of land, was issued to one James McAdory, and by him afterward sold and assigned to Joab Bagley, a citizen of Jefferson County, Alabama, who, on the 21st of September, 1862, located the land warrant in the purchase of the southwest quarter of the southwest quarter and the south half of the northeast quarter of section

6, township 18, range 2 west, in the Tuscaloosa land district, Alabama; which location is alleged to have been made in good faith, but under a law (or pretended law) of the State of Alabama, authorizing the location of land warrants in that State; that it is alleged that the land-warrant has been lost or destroyed, and that the same has not been returned to or filed in the office of the Commissioner of the General Land Office, but that notice of the loss thereof has been given to the Commissioner. The bill therefore provides that upon the payment, by Bagley, of the minimum price to the proper officer of the Government of the United States for the land named, estimating the warrant at its value, \$1.25 per acre, the balance to be paid in cash, the title be confirmed in Bagley, his heirs and assigns.

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

CIVIL-SERVICE EXAMINATIONS.

The next business on the Calendar was the joint resolution (H. R. No. 51) in relation to civil-service examinations.

Mr. HITCHCOCK. I object.

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

LANDS IN SCOTT COUNTY, MISSOURI.

The next House bill on the Calendar was the bill (H. R. No. 2187) authorizing and requiring the issuance of a patent for certain lands to the county of Scott, in the State of Missouri; which was considered as in Committee of the Whole.

The preamble recites that by the act of Congress entitled "An act to quiet the title to certain lands in the State of Missouri," approved December 27, 1872, certain lands therein mentioned were granted to the county of Scott, in the State of Missouri, which were not specifically described, and that no provision for the issuance of a patent was made in the act. The bill, therefore, makes it the duty of the Commissioner of the General Land Office to cause a patent to be issued to the county of Scott, in the State of Missouri, for all the lands included in that portion of township No. 27 north, of range 12 east of the fifth principal meridian, lying east of Settle River, as the same appears on the plat of survey on file in the General Land Office.

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

JAMES L. COLLINS'S SURETIES.

Mr. CONOVER. I have been trying for the past month with all the patience and modesty I possessed to get the attention of the Senate to two or three little unimportant bills that can be passed without objection, and I hope the Senate will allow me the privilege of calling them up now.

Mr. BOUTWELL. I wish to do the same thing myself.

Mr. CONOVER. The Senate knows that I have occupied its attention but very little, and I hope it will lay aside the regular order and allow me to call up two or three bills that are unobjectionable.

The PRESIDENT *pro tempore*. Is there objection?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. The next bill will be reported.

The next House bill on the Calendar was bill (H. R. No. 1939) for the relief of the sureties of James L. Collins, deceased; which was considered as in Committee of the Whole.

The first section releases Hamilton G. Fant, William Craig, John S. Watts, Vincent St. Vrain, and William W. Mills, sureties of James L. Collins, deceased, upon his official bond as late receiver of public moneys and as designated depository at Santa Fé, New Mexico, their heirs and legal representatives, from all liability on the bond, and from the judgment recovered thereon in favor of the United States.

The second section authorizes the Secretary of the Treasury, on final adjustment and settlement of the accounts of James L. Collins, deceased, late receiver and United States designated depository of public moneys at Santa Fé, New Mexico, to pass to his credit the amount of money stolen from the United States depository at Santa Fé, New Mexico, after the murder of Collins, on the night of June 5, 1869, and for which a judgment was recovered in the district court of New Mexico in favor of the United States against Collins's sureties, or part of them, for \$32,561.03, and \$6,032.32 interest; and to pay to his legal representatives such sum, not exceeding \$1,168.18, as may be shown to have been due and owing Collins at the time of his murder.

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

OSAGE INDIAN LANDS.

The next House bill on the Calendar was the bill (H. R. No. 3088) to extend the time for completing entries of Osage Indian lands in Kansas; which was considered as in Committee of the Whole. By its terms all actual settlers upon the Osage Indian trust and diminished reserve lands in the State of Kansas will be allowed one year from the passage of the act in which to make proof and payment; but all purchasers who avail themselves of this provision are to pay interest on the purchase-price of their lands at the rate of 5 per cent. from the date when payment was required by previous laws to the date of actual payment.

The Committee on Indian Affairs reported an amendment to add to the bill the following proviso:

And provided further, That no further extension of payment shall be granted than that provided for in this act, and that all occupants now upon said Osage

lands shall file their application to purchase the lands occupied by them within three months after the passage of this act, or forfeit all right or claim to the same.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude.

The message also announced that the House had passed 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.

FEMALE ORPHAN ASYLUM.

The next House bill on the Calendar was the bill (H. R. No. 3411) to amend an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown, and the Washington City Orphan Asylum, in the District of Columbia," approved May 24, 1828; which was considered as in Committee of the Whole. It proposes to amend section 3 of an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown, and the Washington City Orphan Asylum, in the District of Columbia," approved May 24, 1828, so as to authorize these corporations, or either of them, to increase the annual income of property acquired or to be acquired by either to a sum not exceeding \$25,000 per annum.

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

COLUMBIA RAILWAY COMPANY.

The next bill on the Calendar was the bill (H. R. No. 3154) amendatory of the act to incorporate the Columbia Railway Company of the District of Columbia, approved May 24, 1871.

Mr. ANTHONY. Is there not an error in that bill? I notice the date of a law is given as at a time when I think Congress was not in session—May 24, 1871.

Mr. STEWART. I should like to have some explanation of the bill. What is meant by "noiseless propelling power?"

Mr. HITCHCOCK. I object to its consideration.

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

JOSEPH J. PETRI.

The next House bill on the Calendar was the bill (H. R. No. 1579) for the relief of Joseph J. Petri.

Mr. SCOTT. That will lead to discussion. I object to it.

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

CORNELIUS S. UNDERWOOD.

The next House bill on the Calendar was the bill (H. R. No. 1193) for the relief of the estate of Cornelius S. Underwood, deceased, late major and additional paymaster United States Army.

Mr. HITCHCOCK. I object to that.

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

WILLIAM GREEN.

The next House bill on the Calendar was the bill (H. R. No. 3176) for the relief of William Green.

Mr. ROBERTSON. I object to the consideration of that bill.

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

JAMES LILLIE.

The next House bill on the Calendar was the bill (H. R. No. 2088) for the relief of James Lillie, postmaster at Lisbonville, Ray County, Missouri; which was considered as in Committee of the Whole. It directs the Auditor of the Treasury for the Post-Office Department to credit, in the account of James Lillie, as postmaster at Lisbonville, Ray County, Missouri, the sum of \$22.26, being the value of stamps and stamped envelopes destroyed by fire in that post-office on the 19th of January, 1873, without negligence on the part of the postmaster.

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

PROTECTION OF LINES OF TELEGRAPH.

The next House bill on the Calendar was the bill (H. R. No. 3432) to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction; which was considered as in Committee of the Whole. It declares that any person or persons who shall willfully or maliciously injure or destroy any of the works or property or material of any telegraphic line constructed and owned, or in process of construction, by the United States, or that may be hereafter constructed and owned or occupied and controlled by the United States, or who shall willfully or maliciously interfere in any way with the working or use of any such telegraphic line, or who shall willfully or maliciously obstruct, hinder, or delay the transmission of any communication over any such telegraphic line, shall be deemed guilty of a misdemeanor, and, on conviction thereof in any district court of the United States having jurisdiction, shall be punished by a fine of not less than \$100 nor more than \$1,000, or with imprisonment for a term not exceeding three years, or with both, in the discretion of the court.

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

JOHN HENDERSON.

The next House bill on the Calendar was the bill (H. R. No. 1955) for the relief of John Henderson, of New Orleans.

Mr. HITCHCOCK. I object to that; it was reported adversely.

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

GEORGE A. SCHREINER.

The next House bill on the Calendar was the bill (H. R. No. 2997) for the relief of George A. Schreiner.

Mr. SPRAGUE. That is reported adversely also. Let it go over.

Mr. MORRILL, of Vermont. That bill might as well be indefinitely postponed.

Mr. WRIGHT. It had better remain on the Calendar. The Senator from Kansas [Mr. HARVEY] has it in charge.

BURKE & KUNKEL.

The next House bill on the Calendar was the bill (H. R. No. 2349) for the relief of Burke & Kunkel; which was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to Burke & Kunkel \$3,849, being amount of pig-iron taken by the agent of the Treasury Department by mistake as confederate property, July 18, 1865, and being the net proceeds covered into the Treasury of the United States to the credit of the captured and abandoned property fund.

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

LOUISA ELDIS.

The next House bill on the Calendar was the bill (H. R. No. 2891) for the relief of Mrs. Louisa Eldis, of Sandusky, Ohio; which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Mrs. Louisa Eldis, of Sandusky, Ohio, \$691.83, in full compensation for losses sustained by the occupancy of her stone building in Sandusky, Ohio, by the One hundred and third Regiment of New York Volunteers during the months of January, February, March, and April, 1864.

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

E. CAROLINE WEBSTER.

The next House bill on the Calendar was the bill (H. R. No. 1305) granting a pension to E. Caroline Webster, widow of Lucius H. Webster; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of E. Caroline Webster, widow of Lucius H. Webster, late a private in Company H, Seventh Regiment Michigan Cavalry Volunteers.

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

JAMES COATS.

The next House bill on the Calendar was the bill (H. R. No. 104) for the relief of James Coats, of Jackson, Mississippi; which was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to James Coats, of Jackson, Mississippi, \$936.70, in full for labor and repairs and materials and furniture furnished to the United States court-house at Jackson, Mississippi.

The bill was reported from the Committee on Claims with an amendment in line 6 to strike out "\$936.70" and insert "\$300."

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. MORRILL, of Maine, 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. 3600) making appropriations for sundry civil expenses of the Government 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 their amendments numbered 7, 14, 15, 20, 32, 39, 44, 46, 49, 50, 51, 52, 54, 59, 70, 80, 84, 86, 89, 96, 101, 102, 103, 104, 106, 114, and 121.

That the House recede from their disagreement to the amendments of the Senate numbered 3, 26, 27, 34, 38, 40, 43, 47, 48, 53, 55, 60, 64, 66, 73, 78, 83, 85, 88, 90, 91, 92, 93, 98, 100, 105, 107, 108, 109, 110, 112, 115, 117, and 118; and agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out after the word "clerks" in line 3 of said amendment all down to the end of line 4, and strike out "sixteen thousand one" and insert in lieu thereof "thirteen thousand seven," and the Senate agree to the same.

That the House recede from their amendments to the amendments of the Senate numbered 9, 10, and 81, and agree to the same.

That the Senate recede from their disagreement to the amendments of the House to the amendment numbered 13, and agree to the same with an amendment as follows: After the word "necessary" in line 4 of said House amendment add the following: "for the folding-room of the House," and the House agree to the same.

That the House recede from their disagreement to the amendment numbered 16, and agree to the same with an amendment as follows: Add at the end of said amendment the words:

"Provided, That the same shall be erected under a contract, the amount to be paid under which shall not exceed \$40,000."

And the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 17, and agree to the same with an amendment striking out the word "fifteen" and inserting in lieu thereof the word "ten;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 22, and agree to the same with an amendment as follows: After the word "five" in line 9 of said amendment add the words "and for temporary clerks in the Treasury Department, \$40,000;" and strike out the word "this," at the end of the line, and insert the word "these," and add to the word "amount," at the beginning of line 10, the letter "s," and at the end of said amendment add the following: "and so much as may be necessary to enable the Secretary of the Treasury to carry into effect the joint resolution for the relief of certain clerks and employees of the United States, approved June 22, 1874, is hereby appropriated;" and the House agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendments numbered 28 and 76, and agree to the same.

That the House recede from their disagreement to the amendment numbered 35, and agree to the same with an amendment as follows: Strike out the word "eighty" and insert in lieu thereof the word "sixty;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 45, and agree to the same.

That the House recede from their disagreement to the amendment numbered 62, and agree to the same with an amendment substituting the word "Never-sink" for the word proposed to be inserted; and the Senate agree to the same.

That the Senate recede from their amendment numbered 63, with an amendment substituting for the word "Never-sink" in line 8, page 27 of the bill, the word "Never-sink;" and the House agree to the same.

That the House recede from their amendment to the amendment numbered 77, and agree to the same.

That the House recede from their amendment to the amendment numbered 79, and agree to the same.

That the House recede from their disagreement to the amendment numbered 87, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "available" in line 5 of said amendment; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 94, and agree to the same with an amendment as follows: Strike out the words "one hundred" and insert in lieu thereof the word "fifty;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 95, and agree to the same with an amendment as follows: Strike out of said amendment all after the word "for" in line 21 down to and including the word "enlarge" in line 3, and substitute the word "of" in lieu of "for" in same line, and strike out the words "and perfect the central building" in line 4, and strike off the letter "a" from the word "accommodations" in line 3; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 99, and agree to the same with an amendment as follows:

Insert in lieu of the proposed words the following as a substitute:

Provided, That the said building may be built of stone, and its cost, exclusive of the cost of site, shall not exceed \$200,000.

And the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 111, and agree to the same with an amendment as follows: Add at the end of the amendment the words "which shall be the entire cost of said building;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 97, and agree to the same with an amendment as follows: Strike out in line 6 of the amendment the word "the" and insert in lieu thereof the word "such," and strike out lines 7, 8, 9, and 10 of the amendment and insert in lieu thereof the following: "As the Secretary of the Navy may deem necessary for the public service."

That the House recede from their disagreement to the amendment numbered 113, and agree to the same with an amendment as follows: After the word "restrictions," in line 6 of said amendment, insert the words "as to materials;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 116, and agree to the same with an amendment as follows: Strike out the word "five," in line 3 of said amendment; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 119, and the Senate recede from that portion of their amendment which proposes to insert new matter; and the House and Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 120, and agree to the same with an amendment as follows: Strike out the word "five," in line 10 of said amendment, and insert in lieu thereof the word "four;" and the Senate agree to the same.

LOT M. MORRILL,

A. A. SARGENT,

J. W. STEVENSON,

Managers on the part of the Senate.

JAMES A. GARFIELD,

EUGENE HALE,

WILLIAM E. NIBLACK,

Managers on the part of the House.

The report was concurred in.

E. L. WINDER.

The bill (H. R. No. 3254) to relieve the persons therein named of their legal and political disabilities was considered as in Committee of the Whole. It provides that all the legal and political disabilities imposed by the fourteenth amendment of the Constitution of the United States on E. L. Winder and A. W. Stark, citizens of Norfolk, Virginia, late lieutenants in the United States Navy, are removed.

The bill was reported from the Committee on the Judiciary with an amendment in line 4 to strike out the words "legal and;" in line 6 to strike out the words "and A. W. Stark, citizens;" and in line 7 to strike out "lieutenants" and insert "lieutenant;" so as to read:

That all the political disabilities imposed by the fourteenth amendment of the Constitution of the United States on E. L. Winder, of Norfolk, Virginia, late lieutenant in the United States Navy, be, and the same are hereby, removed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and the bill be read a third time.

The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

The title was amended so as to read, "A bill to relieve E. L. Winder of his political disabilities."

Mr. SPRAGUE. I move that the morning hour be extended half an hour.

Several SENATORS. Extend it an hour.

Mr. SPRAGUE. I do not object to that.

Several SENATORS. I object.

Mr. DAVIS. Is the motion in order?

The PRESIDENT *pro tempore*. The Chair thinks the motion is in order.

Mr. RAMSEY. On the same matter the Chair once ruled that a single objection would carry it over.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island to extend the morning hour one hour.

The motion was agreed to.

RICHARD T. ALLISON.

The next House bill on the Calendar was the bill (H. R. No. 3253) to remove the political disabilities of Richard T. Allison, of Maryland; which was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment to strike out the words "all legal" and insert "the," so as to read:

That the political disabilities imposed, &c.

The amendment was agreed to.

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

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

The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

SARDINE G. STONE.

The next House bill on the Calendar was the bill (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities; which was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment in line 3, to strike out the word "all," and in line 4 to strike out "and legal" and insert "the," so as to read:

That the political disabilities, &c.

The amendment was agreed to.

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

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

The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

J. W. BENNETT.

The next House bill on the Calendar was the bill (H. R. No. 3091) to release J. W. Bennett from political disabilities; which was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment to insert after the word "all," in line 3, the word "political," so as to read:

That all political disabilities imposed, &c.

The amendment was agreed to.

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

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

The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

L. L. LOMAX.

The next House bill on the Calendar was the bill (H. R. No. 3408) to relieve the political disabilities of L. L. Lomax, of Virginia; which was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed, two-thirds of the Senate voting in favor thereof.

GEORGE E. PICKETT.

The next House bill on the Calendar was the bill (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia; which was considered as in Committee of the Whole.

The bill removes all political disabilities imposed upon George E. Pickett, of Richmond, Virginia, by the act of July 2, 1862, and the fourteenth amendment to the Constitution of the United States.

Mr. FRELINGHUYSEN. I move to strike out the words "the act of July 2, 1862, and."

The amendment was agreed to.

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

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

The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

A. S. TAYLOR.

The next House bill on the Calendar was the bill (H. R. No. 3027) to remove the disabilities of Van Ranslear Morgan, Thomas M. Jones, and Charles M. Fauntleroy, of Virginia, and A. S. Taylor, of Maryland; which was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments in line 3 after "that," to strike out the word "all;" in

line 4 strike out the words "legal and;" in lines 5, 6, and 7, strike out the words "Van Ranslear Morgan, Thomas M. Jones, and Charles M. Fauntleroy, citizens of the State of Virginia and on;" so as to read:

That the political disabilities imposed by the fourteenth amendment to the Constitution of the United States on A. S. Taylor, a citizen of the State of Maryland, be, and the same are hereby, removed.

The amendment was agreed to.

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

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

The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

The title was amended so as to read: "A bill to remove the political disabilities of A. S. Taylor, of Maryland."

JOSEPH WHEELER.

The next House bill on the Calendar was the bill (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all legal and political disabilities imposed by the fourteenth amendment to the Constitution; which was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment in line 4, to strike out the words "legal and."

The amendment was agreed to.

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

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

The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

The title was amended so as to read: "A bill to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all political disabilities imposed by the fourteenth amendment to the Constitution."

GEORGE N. HOLLINS.

The next House bill on the Calendar was the bill (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland; which was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, in lines 3 and 4 to strike out the words "all legal and" and insert "the;" so as to read:

That the political disabilities imposed, &c.

The amendment was agreed to.

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

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

The bill was read the third time, and passed, two-thirds of the Senate voting in favor thereof.

STAMPING OF DOCUMENTS.

The next House bill on the Calendar was the bill (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers; which was considered as in Committee of the Whole. It provides that all instruments, documents, and papers heretofore made, signed, or issued, and subject to a stamp duty or tax under any law heretofore existing, and remaining unstamped, may be stamped by any person having an interest therein, or, where the original is lost, a copy thereof, at any time prior to the 1st of January, 1878. Such instruments, documents, and papers, and any record thereof, shall be as valid, to all intents and purposes, as if stamped when made, signed, or issued; but no right acquired in good faith before the stamping of such instrument, document, or paper, or copy thereof, shall in any manner be affected by such stamping.

The bill was reported from the Committee on Finance with amendments.

The first amendment of the committee was in line 9 to strike out "1878" and insert "1876," so as to read "at any time prior to the 1st of January, 1876."

The amendment was agreed to.

The next amendment was in lines 12 and 13, after the word "faith," to strike out the words "before the stamping of such instrument, document, or paper, or copy thereof;" so as to read:

But no right acquired in good faith shall in any manner be affected by such stamping as aforesaid."

The amendment was agreed to.

The next amendment was to insert at the end of section 1 the following proviso:

Provided, That to render such stamping valid, the person desiring to stamp the same shall appear with the instrument, document, or paper, or copy thereof, before some judge or clerk of a court of record, and before him affix the proper stamp; and the said judge or clerk shall indorse on such writing or copy a certificate, under his hand when made by said judge, and under his hand and seal when made by said clerk, setting forth the date at which, and the place where, the stamp was so affixed, the name of the person presenting said writing or copy, the fact that it was thus affixed, and that the stamp was duly canceled in his presence.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. FRELINGHUYSEN. I call for the regular order.

Mr. DAVIS. The morning hour has been extended by a vote of the Senate.

The PRESIDENT *pro tempore*. The morning hour has been extended one hour by a vote of the Senate.

Mr. FRELINGHUYSEN. I rise to a point of order, that that cannot be done; that it requires one day's notice to change a rule of the Senate.

The PRESIDENT *pro tempore*. That objection would have been considered if made when the motion was made to extend the morning hour, but it was not.

Mr. FRELINGHUYSEN. I did object when the motion was made.

The PRESIDENT *pro tempore*. The Chair did not hear the objection.

Mr. FRELINGHUYSEN. The Chair I think stated that one objection was made and then put the vote.

The PRESIDENT *pro tempore*. The Chair understood a single objection was made and then put the vote; but the Chair did not understand the Senator to raise any point of order.

Mr. FRELINGHUYSEN. The point of order could not properly be made until I had an opportunity to call up the bill.

The PRESIDENT *pro tempore*. If the motion was out of order the Senator should have raised the point of order when the motion was made. The Senator not having done so then, it is too late to raise the point of order now. The next House bill on the Calendar will be reported.

JOHN FORSYTH.

Mr. GORDON. There is a House bill removing the disabilities of John Forsyth, of Alabama, which I desire taken up. I wish to state to the Senate that by mistake of the Judiciary Committee the Senate bill was reported instead of the House bill. They were both before the committee and the committee's intention was to report the House bill, but instead of that they reported the Senate bill, and I simply ask to substitute the one for the other.

The PRESIDENT *pro tempore*. When the bill has been reached on the Calendar the Senator can make that motion.

Mr. GORDON. It has been reached and passed this morning. It is House bill No. 2702.

The PRESIDENT *pro tempore*. The Senator from Georgia asks unanimous consent to substitute the House bill which is in the same language as the Senate bill which was passed this morning. Is there objection? The Chair hears none.

The bill (H. R. No. 2702) to relieve John Forsyth, of Alabama, of political disabilities was read.

Mr. SPENCER. I object to the consideration of that bill.

Mr. GORDON. It is a mere matter of form, and the committee unanimously recommend it.

The PRESIDENT *pro tempore*. Is there objection to substituting this bill in place of the one passed this morning?

Mr. SPENCER. I object.

Mr. GORDON. Then I appeal to the Senate to move that this bill be substituted for the other. The whole committee have recommended it unanimously.

Mr. CLAYTON. There has been no such bill passed.

Mr. GORDON. It is a mere matter of form.

The PRESIDENT *pro tempore*. The Senator from Georgia is mistaken as to matter of fact. The Senate bill did not pass the Senate.

Mr. GORDON. The Chair misunderstood me. The committee intended to report the House bill. They were both before the committee, and they by mistake reported the Senate bill.

The PRESIDENT *pro tempore*. Is there objection to the passage of this bill?

Mr. SPENCER. We are proceeding under the Anthony rule, as I understand, and a single objection will carry the bill over. I object to its consideration.

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

JOHN J. HAYDEN.

The next House bill on the Calendar was the bill (H. R. No. 2798) for the relief of John J. Hayden, which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to John J. Hayden \$150 in full compensation for services rendered by him for the United States in the year 1864, in the office of John H. Farquhar, captain in the Nineteenth Regiment United States Infantry, and mustering and disbursing officer at Indianapolis, Indiana, in relation to the draft accounts of that State.

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

OLIVER P. MASON.

The next House bill on the Calendar was the bill (H. R. No. 763) for the relief of Oliver P. Mason, which was considered as in Committee of the Whole. It appropriates \$787.50 for the payment of Oliver P. Mason for services rendered as assistant provost-marshal in the Department of Kansas.

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

HOLMES WIKOFF.

The next House bill on the Calendar was the bill (H. R. No. 3006) authorizing the President to nominate Holmes Wikoff an assistant surgeon in the Navy.

Mr. EDMUNDS. What committee reported that?

The PRESIDENT *pro tempore*. The Committee on Naval Affairs.

Mr. EDMUNDS. Is there a report?

Mr. CLAYTON. I object to the consideration of the bill.

Mr. CONOVER. I hope that bill will not be laid aside. There is no objection to it. It was reported unanimously by the Naval Committee. It does not require any report. It simply authorizes the President to nominate Mr. Wikoff an assistant surgeon in the Navy.

The PRESIDENT *pro tempore*. Is the objection withdrawn? The objection is not withdrawn. The next bill on the Calendar will be reported.

WILLIAM I. BLACKISTON.

The next House bill on the Calendar was the bill (H. R. No. 554) for the relief of William I. Blackiston, of Saint Mary's County, Maryland, which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to William I. Blackiston \$972, in full for services as a board of trade, in Saint Mary's County, Maryland, from December 15, 1862, to September 15, 1863.

Mr. EDMUNDS. "For services as a board of trade?" I think that ought to have some explanation.

Mr. SCOTT. I will explain that, and I hope there will be no objection to this bill. That man is the shadow of a former vigorous man. His property was devoted to the Union cause in Maryland, and he was appointed an agent for the purpose of preventing contraband trade under the regulations of the Treasury Department. Fees were authorized to be given to him for the services he rendered, but they amounted only in the course of this time to about twenty-five or thirty dollars. In an application made to the Treasury Department for pay this amount was recommended to be paid, and it is but a small part of the compensation for the money actually expended in attempting to do the duties of the office. I think he ought to have it without any endeavor to make any special appeal for it.

Mr. EDMUNDS. The Senator does not need to make any special appeal but just state the facts. We do not go by appeals, but go by facts, as I understand.

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

COMMERCE BY RAILROAD AMONG THE STATES.

The next House bill on the Calendar was the bill (H. R. No. 1385) to regulate commerce by railroad among the several States.

Mr. CLAYTON. I object.

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

IMPORTATION OF ANIMALS.

The next House bill on the Calendar was the bill (H. R. No. 3500) to authorize the importation of certain animals for the Zoological Society of Philadelphia, Pennsylvania, free of duty.

Mr. HITCHCOCK. I object.

Mr. SCOTT. Let me state to the Senator that objection was made when this bill was formerly reached, and I was authorized by the Committee on Finance to report a general bill covering such cases, which I move as a substitute for that bill.

Mr. EDMUNDS. Let us hear it read, subject to objection.

Mr. SCOTT. I am authorized to report a substitute, to remove the objection of its being a special bill.

The CHIEF CLERK. It is proposed to amend the bill so that it will read:

That all wild animals, birds, and reptiles which shall be imported into the United States by any association duly authorized under the laws of the United States, or any State, for the promotion and encouragement of natural science, in good faith, for exhibition upon its own ground only, and not for sale, shall be admitted without the payment of duty, or of customs' fees or charges, under such regulations as the Secretary of the Treasury shall prescribe: *Provided*, That in case any animal, bird, or reptile imported under the provisions of this act shall, within three years from the date of its importation, be sold, it shall be subject to the duties, if any, imposed on such object by the revenue laws in force at the date of importation.

Mr. ROBERTSON and others. I object.

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

STEAMER CLARA DOLSEN.

The next House bill on the Calendar was the bill (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolsen; which was read.

Mr. EDMUNDS. Is there a report in that case?

Mr. SARGENT. Yes, sir; there is a report from the Naval Committee.

Mr. EDMUNDS. Was the Clara Dolsen used by the Navy Department?

Mr. SARGENT. During the war she belonged to loyal citizens and was seized by the confederate forces and recaptured.

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

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

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. 169) for the relief of Marcus Otterbourg, late consul

of the United States at the city of Mexico and minister to the republic of Mexico; and

The bill (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled 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; and it was thereupon signed by the President *pro tempore*.

HOMESTEADS TO ACTUAL SETTLERS.

The next House bill on the Calendar was the bill (H. R. No. 1760) to secure homesteads to actual settlers on the public domain.

Mr. HITCHCOCK. I object to that.

Mr. SPRAGUE. I move that the Senate proceed to the consideration of that bill.

Mr. HITCHCOCK. That is out of order. Let it go for the present; you cannot get it through.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves to postpone the Calendar to proceed to the consideration of this bill.

Mr. EDMUNDS. Is that in order? Was there not unanimous consent that the Calendar of unobjected cases should be proceeded with during the morning hour?

The PRESIDENT *pro tempore*. The Calendar was taken up by a vote of the Senate, and the morning hour was extended one hour by vote of the Senate. The Chair understands that the Senate can now postpone the Calendar and proceed to consider this bill.

Mr. SPRAGUE. This bill has been read through. There are but two amendments upon it. It will not give rise to any debate.

Mr. HITCHCOCK. There are three amendments on this bill that are each of them objectionable to every representative of the western country. I think the bill will certainly give rise to considerable discussion before it can pass.

Mr. INGALLS. It is a very long bill, and it ought to be discussed at least a week. It makes some very important changes.

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island insist on his motion?

Mr. SPRAGUE. This measure is in the interest of western Senators, and certainly if they object I will not press the motion. It is no interest of mine.

The PRESIDENT *pro tempore*. The Senator from Rhode Island withdraws his motion.

SUITS AGAINST INDIANS.

The next House bill on the Calendar was the bill (H. R. No. 618) to amend the act entitled "An act 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, 1871, and for other purposes," approved July 15, 1870.

Mr. HITCHCOCK. I object.

Mr. BUCKINGHAM. I hope there will be no objection to that bill. Let it be read for information.

Mr. CLAYTON. There is objection made.

The PRESIDENT *pro tempore*. It will be laid aside on objection.

COURTS IN THE DISTRICT OF COLUMBIA.

The next House bill on the Calendar was the bill (H. R. No. 3098) to amend the act entitled "An act to reorganize the courts in the District of Columbia, and for other purposes," approved March 3, 1863; which was considered as in Committee of the Whole. It provides that the justice of the supreme court of the District of Columbia holding a criminal term may, when not engaged in the proper business of the criminal term, hold sittings of the circuit court, and employ the petit juries drawn for the criminal term in the trial of such cases depending in the circuit court as the justice presiding therein may assign to him for that purpose; and the business done at such sittings shall be recorded in the minutes of the circuit court.

Mr. EDMUNDS. That ought to pass.

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

QUORUM OF COURT OF CLAIMS.

Mr. FRELINGHUYSEN. The next House bill on the Calendar is reported adversely from the Committee on the Judiciary by mistake. It is necessary the bill should pass. It is for the regulation of a quorum in the Court of Claims.

The bill (H. R. No. 2770) to amend the act entitled "An act to amend an act entitled 'An act to establish a court for the investigation of claims against the United States,'" approved August 6, 1856, was considered as in Committee of the Whole.

The bill requires three judges of the Court of Claims to constitute a quorum, and makes the concurrence of three judges necessary to the decision of any case.

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

ADMISSION OF NEW MEXICO.

The next House bill on the Calendar was the bill (H. R. No. 2418) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

Mr. INGALLS. I object. Let it go over.

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

INLAND AND SEA-BOARD COASTING COMPANY.

The next House bill was the bill (H. R. No. 2179) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia.

Mr. CLAYTON. I object to that.

Mr. SPENCER. I hope the Senator will withdraw his objection.

Mr. CLAYTON. Very well; I will withdraw it.

Mr. ROBERTSON. I object to it.

SLAUGHTER OF BUFFALOES.

Mr. SPRAGUE. I move that the Senate proceed to the consideration of House bill No. 921 to prevent the useless slaughter of buffaloes within the Territories of the United States.

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

Mr. BOREMAN. Is that the regular order?

The PRESIDENT *pro tempore*. It is the next House bill on the Calendar. The bill will be read for information.

The bill was read, as follows:

Be it enacted, &c., That it shall hereafter be unlawful for any person who is not an Indian to kill, wound, or in any manner destroy any female buffalo of any age, found at large within the boundaries of any of the Territories of the United States.

Sec. 2. That it shall be in like manner unlawful for any such person to kill, wound, or destroy in said Territories any greater number of male buffaloes than needed for food by such person, or than can be used, cured, or preserved for the food of other persons or for the market. It shall be in like manner unlawful for any such person or persons to assist or be in any manner engaged or concerned in or about such unlawful killing, wounding, or destroying of any such buffaloes. Any person who shall violate the provisions of this act shall, on conviction, forfeit and pay to the United States the sum of \$100 for each offense, (and each buffalo so unlawfully killed, wounded, or destroyed shall be and constitute a separate offense,) and on a conviction for a second offense may be committed to prison for a period not exceeding thirty days. All United States judges, justices, courts, and legal tribunals in said Territories shall have jurisdiction in cases of the violation of this act.

Mr. WRIGHT. I should like to have the last clause of the second section read again.

The Chief Clerk again read the bill.

Mr. WRIGHT. The committee who reported this bill certainly do not want to have it passed in this shape.

The PRESIDENT *pro tempore*. Does the Senator object to its consideration?

Mr. WRIGHT. I do not object.

Mr. CLAYTON. The Senator from Iowa can move an amendment to perfect it.

Mr. HARVEY. I move to amend the bill by striking out in lines 3 and 4 the words "who is not an Indian;" so as to read:

That it shall hereafter be unlawful for any person to kill, wound, or in any manner destroy any female buffalo of any age, &c.

Mr. HITCHCOCK. That will defeat the bill.

Mr. FRELINGHUYSEN. That would prevent the Indians from killing buffaloes on their own ground. I object to the bill.

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

Mr. SPRAGUE. I move that the Senate proceed to the consideration of that bill.

Mr. SARGENT. I understand the only objection is to the words "not an Indian." Of course those words ought not to be struck out. I think we can pass the bill in the right shape without objection. Let us take it up. It is a very important bill.

Mr. FRELINGHUYSEN. I will withdraw my objection with the understanding those words will not be stricken out.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island to postpone the Calendar and proceed to the consideration of the bill indicated by him.

The motion was agreed to; there being on a division—ayes 22, noes 16.

Mr. INGALLS. I hope my colleague will withdraw the amendment.

Mr. SARGENT. It destroys the whole force of the bill.

Mr. INGALLS. Certainly this is a very important bill. Unless some measure of this kind is adopted the entire race of buffaloes will be exterminated in a very few years, and although the bill is not well drawn, it ought to be passed in some shape.

Mr. STEWART. The Indians themselves are much more careful of the buffalo than the whites are, and if you put in a provision that nullifies the bill, it will be charged that the Indians did it, and nobody will be responsible.

Mr. SARGENT. Not only that, but it will deprive the Indians of their food, which ought not to be done.

Mr. STEWART. The Indians will not object to this law. They want the buffalo for food.

Mr. CLAYTON. I simply desire to say that the Committee on Territories gave to this bill careful consideration. They regard the buffalo as the natural herd of the Indian. The Indians depend to a great extent on the buffalo for their food during the winter season, and they are careful and cautious about the destruction of the buffalo. It is

the white man that destroys it. I hope the amendment will be withdrawn.

Mr. HARVEY. I withdraw the amendment.

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

JEFFERSON W. DAVIS.

The next House bill on the Calendar was the bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant Company F, Sixty-fourth Regiment New York Volunteers.

The Committee on Pensions reported an amendment to strike out at the end of the bill the words "the date of his discharge" and insert "and after the passage of this act."

Mr. FENTON. I hope the amendment will not be concurred in. It is a House bill, and if the amendment is adopted the bill will be lost.

Mr. PRATT. I hope the suggestion of the honorable Senator from New York will not prevail.

Mr. FENTON. Then let the bill lie over without action, for I do not wish to take up time.

Mr. PRATT. Very well.

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

MICHAEL WEISSE.

The next House bill on the Calendar was the bill (H. R. No. 700) granting a pension to the minor children of Michael Weisse, deceased, which was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the names of the minor children of Michael Weisse, late of Company K, Ninth Regiment Michigan Infantry, that were under sixteen years of age on the 1st day of October, 1871.

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

PEKIN ALCOHOL MANUFACTURING COMPANY.

The next House bill on the Calendar was the bill (H. R. No. 3266) for the relief of the Pekin Alcohol Manufacturing Company; which was considered as in Committee of the Whole.

The Commissioner of Internal Revenue is directed by the bill to enter satisfaction on the export bond for that portion of the distilled spirits of the Pekin Alcohol Manufacturing Company of the State of Illinois said to have been destroyed at Urbana, Ohio, while in transit for export to the port of Genoa, upon proof satisfactory to him, and to the Secretary of the Treasury, of the destruction of the spirits without fraud, collusion, or negligence on the part of the owners.

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

WASHINGTON CITY AND POINT LOOKOUT RAILROAD COMPANY.

The next House bill on the Calendar was the bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873; which was considered as in Committee of the Whole.

The Committee on the District of Columbia reported the bill with an amendment to strike out all after the words "Aqueduct bridge," in line 35, as follows:

And that all the rights conferred by this act are to be exercised and enjoyed by said company only upon the condition that said company shall first remove all the work it has done toward locating its track between the Insane Asylum and the Potomac River, and on the further condition that it shall never locate or operate said road, or any part thereof, between said asylum and the Potomac River.

And in lieu thereof to insert:

And provided further, That said Washington City and Point Lookout Railroad Company shall construct its railroad in the county of Washington herein authorized so that wherever it shall cross any public road it shall cross the same by an overgrade or undergrade crossing, by bridge or tunnel, so as not to impede public travel upon said roads, and shall construct that part of said railroad along Rock Creek, in the valley of said creek, passing west of the P-street bridge, by a tunnel through the hill west of said P-street bridge; and said road crossings and said tunnel shall be located and constructed in accordance with plans and specifications to be first approved in writing by the engineer in charge of public buildings and grounds.

Mr. SCOTT. I see indications of an intention to debate the bill, and I object.

Mr. HITCHCOCK. I hope the Senator will not object.

The PRESIDENT *pro tempore*. The bill will be laid aside, and the next House bill will be reported.

BALTIMORE STEAM-PACKET COMPANY.

The next House bill on the Calendar was the bill (H. R. No. 1778) granting permission for a railway from the wharf of the Baltimore Steam-Packet Company at Old Point Comfort, Elizabeth City County, Virginia, to Mill Creek bridge, in the same county.

Mr. HITCHCOCK. I object.

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

INDIAN LANDS IN KANSAS.

The next House bill on the Calendar was the bill (H. R. No. 3352) to further provide for the sale of certain Indians lands in Kansas.

Mr. INGALLS. The Senator from Ohio who objected to this bill before has withdrawn his objection. There is no objection to the passage of the bill.

Mr. CONOVER. I object.

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

SENECA NATION OF INDIANS.

The next House bill on the Calendar was the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases.

Mr. WEST. That bill is reported adversely, and I object.

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

WILLIAM C. BRASHEAR.

The next House bill on the Calendar was the bill (H. R. No. 2198) for the relief of the heirs at law of William C. Brashear, an officer of the Texas navy.

Mr. INGALLS. I object.

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

FRANKLIN STONER.

The next House bill on the Calendar was the bill (H. R. No. 2791) granting a pension to Franklin Stoner; which was considered as in Committee of the Whole. It proposes to place the name of Franklin Stoner, late a private in Company G, of the Eighty-fourth Regiment of Pennsylvania Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

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

IRA DOUTHART.

The next House bill on the Calendar was the bill (H. R. No. 3016) granting a pension to Ira Douthart; which was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ira Douthart, late a private in Company D, Thirteenth Regiment Iowa Volunteers.

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

J. E. INGALLS.

The next House bill on the Calendar was the bill (H. R. No. 3175) for the relief of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa; which was considered as in Committee of the Whole.

The Auditor of the Treasury for the Post-Office Department is by the bill directed to credit the account of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa, with the sum of \$185.44, for postage-stamps stolen from his office on the 3d of September, 1872, without any fault or negligence on his part.

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

EXECUTIVE BUSINESS.

Mr. ANTHONY. It is desirable to have a short executive session before we proceed to the business which comes up at the expiration of the morning hour. I move that the Senate proceed to the consideration of executive business.

Mr. SPRAGUE. Wait till the hour expires.

Mr. ANTHONY. Then it will interfere with the bill of the Senator from New Jersey.

Mr. WEST. We shall be through with the Calendar in a few moments.

Mr. ANTHONY. Very well; I withdraw the motion for the present.

ADMISSION OF COLORADO.

The next House bill on the Calendar was the bill (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

Mr. CLAYTON. Let that go over.

Mr. STEWART. No; that is just the thing to pass.

The PRESIDENT *pro tempore*. The bill will be passed over.

The next House bill on the Calendar was the bill (H. R. No. 3528) providing for the sale of the Kansas Indian lands in Kansas to actual settlers and the disposition of the proceeds of the sale.

Mr. STEWART. I move to postpone all other orders and take up the Colorado bill.

Mr. ANTHONY. If anything is coming up except the Calendar I insist on the motion to proceed to the consideration of executive business. It will take but a little while.

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

Mr. STEWART. I hope the Colorado bill will be taken up. I believe the time has come when Colorado ought to be admitted. The bill has passed the House and the question is well understood. The whole Senate understands the condition of Colorado. It has now come up to the point where the State is entitled to be admitted. It has about the requisite amount of population, is a grand Territory, and it is time it should be admitted. There cannot be a more appropriate occasion than the present. I hope we shall proceed to consider the bill. This case was here some seven or eight years ago. There was a bill passed then providing for the admission of Colorado. The question has been before the Senate several times and the bill once passed. The Territory has been growing very much since then. It has now got hundreds of miles of railroad and large cities. It has got to be a

Territory that is thoroughly capable of maintaining a State government.

Mr. FRELINGHUYSEN. Is this debate on the merits of the bill in order?

Mr. STEWART. At all events I was going on to say that it is entitled to have consideration.

The PRESIDENT *pro tempore*. Debate on the merits is out of order.

Mr. STEWART. Colorado is entitled to have its bill considered.

The PRESIDENT *pro tempore*. The Senator from Nevada is out of order in discussing the merits of the bill.

Mr. SPRAGUE. I move to lay this motion on the table.

Mr. STEWART. On that motion I call for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Nevada moves to postpone the Calendar and proceed to the consideration of the Colorado bill, and the Senator from Rhode Island moves that that motion lie on the table.

Mr. STEWART. Is that in order?

The PRESIDENT *pro tempore*. It is. The Senator from Nevada calls for the yeas and nays.

The yeas and nays were ordered.

Mr. ANTHONY and Mr. FRELINGHUYSEN addressed the Chair. The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. ANTHONY. I do not rise to debate it. I rise, in view of the fact that we are going to waste until the expiration of the morning hour in calling the yeas and nays, to move that the Senate proceed to the consideration of executive business. We ought to have a short executive session.

The PRESIDENT *pro tempore*. Pending this motion the Senator from Rhode Island moves that the Senate proceed to the consideration of executive business.

The motion was not agreed to; there being on a division—yeas 15, nays 34.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Rhode Island [Mr. SPRAGUE] to lay on the table the motion of the Senator from Nevada, [Mr. STEWART.]

Mr. DAVIS. I appeal to Senators to take a division, and not call for the yeas and nays.

The question being taken by yeas and nays resulted—yeas 33, nays 20; as follows:

YEAS—Messrs. Anthony, Bayard, Boreman, Boutwell, Buckingham, Clayton, Conover, Cooper, Davis, Dennis, Edmunds, Fenton, Flanagan, Frelinghuysen, Goldthwaite, Hagler, Howe, McCroery, Merrimon, Morrill of Vermont, Morton, Norwood, Pease, Pratt, Ramsey, Robertson, Saulsbury, Scott, Sherman, Sprague, Stevenson, Washburn, and Wright—33.

NAYS—Messrs. Alcorn, Allison, Boggs, Ferry of Michigan, Gordon, Hamilton of Texas, Harvey, Hitchcock, Ingalls, Jones, Kelly, Logan, Mitchell, Patterson, Sargent, Spencer, Stewart, Tipton, West, and Windom—20.

ABSENT—Messrs. Brownlow, Cameron, Carpenter, Chandler, Conkling, Cragin, Dorsey, Ferry of Connecticut, Gilbert, Hamilton, of Maryland, Hamlin, Johnston, Lewis, Morrill of Maine, Oglesby, Ransom, Schurz, Stockton, Thurman, and Wadleigh—20.

So the motion was agreed to.

COURTS IN UTAH.

Mr. FRELINGHUYSEN. I now move that we proceed to the consideration of the Utah bill. I have this statement to make—

Mr. SPRAGUE. We have five minutes yet for the Calendar.

Mr. FRELINGHUYSEN. I have this statement to make—

The PRESIDENT *pro tempore*. The bill will come up in six minutes without any notice.

Mr. FRELINGHUYSEN. I have the floor now and I wish to make my statement. The bill as it will be presented to the Senate will be free from all objection by any one who wants to have order and law in Utah, for I have prepared a series of amendments which will prune the bill of anything that could be objectionable to any one who wants law there. The Attorney-General has written to us. He has told me this morning that you cannot convict any person who is guilty of crime, and that the Territory is in a lawless condition. Now it seems to me that when we have that opinion from the Administration, when the House of Representatives has passed a bill, that it is our duty not to adjourn until we establish law there.

And now I want further to say, that if any member of the Senate thinks that the amendments which I will propose do not render the bill unobjectionable, I will accept any amendments in reference to polygamy and bigamy, so as just to have a bill which establishes law in that Territory as in every other, and with those modifications I think the bill can be passed in ten minutes.

Mr. SARGENT. I wish most earnestly with the Senator that there may be good order in the Territory. I think the proposition the Senator makes to eliminate from the bill anything relating to a disturbing course there, which he mentioned, may facilitate the passage of the bill. I am afraid, and have been for some years past, on account of the high condition of fanaticism of certain people in that Territory, that we might have a civil war there. I know they will go to the wall if that civil war comes. I know that their fertile fields will be plowed with the plowshare of war, and their homes will be devastated; that the thrift, the commendable thrift which now exists throughout the Territory will cease and there will be desolation, because they cannot contend against the Government of the United States; but I also know that they will stand up. I speak from considerable and a somewhat intimate knowledge of the persons and conditions of things in Utah. I believe they will stand up and involve these consequences.

I further think that the progress of time, the influx of gentiles, is wearing away that prejudice, religious or otherwise, on the part of the people of Utah, and is gradually solving this question. I think they are in the condition of an iceberg that has broken from its fastenings in the north and floated down into warmer seas, dissolving on all sides, and that soon this question will disappear from public view, unless you aggravate it by aggressive measures, unless you bring force to bear against them and compel them to resist, and we all know religious wars never succeed or very rarely succeed in putting down the sect against whom they are waged. I think it is better to leave that question to time, as I say; and if these provisions can be eliminated from the bill, and an amendment which I wish to propose, saving the jurisdiction of probate courts, which are the county courts of Utah, to pass upon the matters relative to town sites as is provided by the United States laws in regard to town sites, I will make no opposition to the bill, certainly no factious opposition; I will not attempt to talk against time or embarrass the Senate in any way. With that understanding I have no objection to the bill coming up and being considered.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the motion of the Senator from New Jersey.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah.

Mr. RAMSEY. I hope the Senator from New Jersey will allow the bill to be laid aside informally to take up the post-route bill.

Mr. FRELINGHUYSEN. I have no power to give way to any one and shall not.

Mr. RAMSEY. Then, Mr. President, I will make a last effort to save the post-route bill. I move to lay this bill aside and proceed to the consideration of the post-route bill, which will require some time for its enrollment, in which every one here is more or less interested and for which I am very much importuned both by members of the House and Senate.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves to lay aside the present and all prior orders and proceed to the consideration of the post-route bill.

Mr. FRELINGHUYSEN and Mr. HOWE called for the yeas and nays.

The yeas and nays were ordered.

Mr. HOWE. I simply want to say myself that if we never have another post-route bill in the Senate of the United States, I will try to be content, if it is necessary to forego any more, in order to have that small modicum of legislation which is required in order to commence and prosecute a suit to judgment in any one of the courts of the United States whether within the limits of a State or within the limits of a Territory. You cannot do that to-day in the Territory of Utah; you cannot convict a criminal there; and I think the first work for us to do is to accomplish that labor; and if we cannot accomplish that, as I said before, save at the expense of that very important bill which is in the hands of my friend from Minnesota, I would rather sacrifice that. If the Senate differ from me, I want to know who the individuals are that differ.

Mr. MORTON. There is need for legislation in Utah; there is no doubt about that; but I think there is not time to deal with so delicate and difficult a question as exists there, in the few hours we have left. I am satisfied that this bill will give rise to discussion and that there will be differences of opinion about several provisions in it. I think there is not time, and for one I shall vote for the motion made by the Senator from Minnesota.

Mr. FRELINGHUYSEN. Mr. President, I would say to the Senator from Indiana that I have submitted the bill to those who have been most opposed to it, and I think they will eliminate from it everything that is objectionable, and I will accept the amendments.

Mr. BOUTWELL. It is quite plain that there is no difficulty in passing both bills. We have agreed to adjourn at four o'clock; but no doubt the House will concur in a resolution extending the time to ten or twelve this evening, or until twelve to-morrow, and either of these bills is of sufficient importance not only to justify but to require the extension of the session for a few hours. Therefore I hope that whichever bill we take up—I am in favor of taking up the bill relating to Utah and shall so vote—we shall act upon both these bills before we adjourn. There is really no difficulty in the way. There is no necessity for an adjournment at four o'clock this afternoon.

Mr. DAVIS. Nearly every State in the Union is interested in the post-route bill, and unless it passes within the next hour it probably cannot become a law this session. The Utah bill can follow it, and if it passes ten minutes before the expiration of the session it can become a law. I hope the post-route bill will be taken up and acted on. There is no objection to it.

Mr. WRIGHT. I have just one word to say about this bill. We have been here seven months. The law officer of the Government has pressed upon us almost every week since we have been here the necessity of action upon this bill. There is the most incontestable evidence that such a state of lawlessness obtains in that Territory that it is impossible to organize a jury and have a trial and have any criminal brought to punishment. Now we are hesitating here whether we shall take this bill up and pass it when everybody knows that we can, if we will give our attention to it, pass that, and the post-route

bill also, before four o'clock. There need not be, there should not be, any trouble in reference to this bill. The Senator having it in charge has stated that it will be eliminated of everything that is objectionable, the only and sole object being to give them a law so that they can organize their courts and juries and have the administration of justice in that Territory as they have in the States and other Territories. And yet at this time it is insisted that we shall lay this bill aside and pass a bill that we are as certain to pass before we adjourn as any bill that we have passed on the Calendar before.

Mr. RAMSEY. Why does the Senator so infer?

Mr. WRIGHT. I am very certain that there will be no adjournment of this Congress without passing the bill the Senator from Minnesota has in charge. We can pass this bill and pass that just as easily if we turn our attention to them, as we have done the business this morning.

Mr. RAMSEY. The post-route bill is an important bill to all the new portions of the country, in the West and South, the poorer portions of the country; they have the greater interest in it; without it they cannot get their mails. Improvements are extending and settlements are thickening both in the South and West, and yet you deny them mail facilities. With all the expenses of the Post-Office Department they cannot participate unless these post-routes are legalized by law. The older portions of the country are indifferent to it. The State of Maine, that the honorable Senator comes from who has opposed the taking up of this bill so strenuously, has its mails supplied by railroads. They are post-routes by law; they require no special legislation; but these remote and new settlements in the West and South are entirely without these facilities unless this bill passes, however trifling some gentlemen may consider the thing to be.

Mr. LOGAN. It seems to be almost impossible to have any legislation in reference to questions involving certain matters connected with the Territory of Utah. Time and again the attempt has been made. I do not say, nor will I, that it is a disgrace to Congress that they will not act upon a proposition of this kind, but if there is anything approaching a disgrace attaching to the Congress of the United States now in existence it is the fact that in one end of the Capitol a polygamist sits, and no man has the nerve to turn him out of the Congress of the United States. If there is another approaching disgrace, it is that Congress has not the manhood and the boldness to stand up and strike at this shame and disgrace to the institutions of this country—

The PRESIDENT *pro tempore*. The Chair thinks it is not in order to make such references to the other House.

Mr. LOGAN. Then I withdraw what I said in reference to the House, but I do not in reference to the polygamist. I appeal to Senators on this floor, I know many of us have been reminded during this session that the republican platform had something to do with legislation; I do not think platforms have anything to do with legislation; but inasmuch as I have been reminded of it, let me remind Senators here that time and again you have announced to the world that this "twin relic of barbarism" should be extirpated from this country; and yet in the last session of Congress, and now, when this bill is brought forward to give power to the courts to administer justice in that Territory the same as it is elsewhere, in conformity with the law, we find men ready in every possible way to thwart legislation for the purpose of allowing the courts to administer justice in that Territory.

Why is it? Has polygamy stretched out its arm until it fastens its power on every man in this Chamber? Is it true that the head of the Mormon church has more power in Congress than the morals of the whole country? Is it true that the head of that theocracy, after boasting that he could control Congress, is able to say to the country that Congress is afraid to deal with him?

Sir, these are facts. The country will ask us why it is that we are afraid to deal with polygamy; why we are afraid to give the courts the power to deal with it; why we are afraid to legislate in the direction of Mormonism; why we are afraid of the power of the head of the church of Mormonism, this polygamic church. Sir, if the Congress of the United States is afraid to deal with such barbarism as this, it is not fit to represent the Republic that we do represent.

Mr. TIPTON. Mr. President, I do not understand that it is any evidence of cowardice on the part of republican members of the Senate that they have not acted affirmatively on this question of Utah and her institutions. If that is to be taken as evidence of cowardice, then I say that there is equal evidence of cowardice on another question, not so far as the Senate is concerned; but we are told that the platform of the party requires something on this subject. I ask the honorable Senator, then, how does it come that the platform of the party also requires something on the question of civil rights, and yet the bill that was passed by the Senate has not yet become a law, as I understand, while there is power enough in the Congress of the United States belonging to that party to make it a law?

Mr. LOGAN. Will the Senator allow me a word right there?

Mr. TIPTON. Yes, sir.

Mr. LOGAN. In reference to the platform, I said that I asked no legislation on account of any platform, but that it was thrown in the teeth of certain Senators here that platforms said certain things, and I only retorted on that by reference to legislation on this subject.

Mr. TIPTON. I undoubtedly labored under a misapprehension;

and as time is so important I accept the apology of the Senator from Illinois and will not continue my remarks.

Mr. BOGY. I hope that the bill in charge of the Senator from Minnesota will be taken up. It has been urged upon the Senate for several days. It will take but a few moments. It is a very important bill, and I think it will meet with no opposition, while the bill in relation to Utah will involve a great deal of discussion. I hope, therefore, the bill of the Senator from Minnesota will at once be taken up and disposed of.

Mr. RAMSEY. It can be passed in fifteen minutes.

Mr. BOGY. To the western country it is very important.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota to postpone the pending order with a view to take up the post-route bill, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 33, nays 24; as follows:

YEAS—Messrs. Alcorn, Bayard, Boggy, Carpenter, Clayton, Cooper, Davis, Dennis, Flanagan, Goldthwaite, Gordon, Hager, Hamilton of Texas, Hamlin, Hitchcock, Jones, Kelly, McCreery, Merrimon, Morton, Norwood, Patterson, Pratt, Ramsey, Ransom, Robertson, Saulsbury, Schurz, Sprague, Stockton, Thurman, and Tipton—33.

NAYS—Messrs. Allison, Anthony, Boreman, Boutwell, Buckingham, Chandler, Conover, Ferry of Michigan, Frelinghuysen, Howe, Ingalls, Logan, Mitchell, Morrill of Vermont, Oglesby, Pease, Scott, Sherman, Spencer, Stewart, Washburn, West, Windom, and Wright—24.

ABSENT.—Messrs. Brownlow, Cameron, Conkling, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Hamilton of Maryland, Harvey, Johnston, Lewis, Morrill of Maine, Sargent, and Wadleigh—16.

So the motion was agreed to.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3604) to establish certain post-routes.

Mr. SARGENT. Let the bill be read.

Mr. RAMSEY. I ask unanimous consent to dispense with the reading of the bill.

Mr. STEWART. I object.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Chief Clerk proceeded to read the bill.

Mr. FERRY, of Michigan. I appeal to the Senator from Nevada to withdraw his objection to suspending the reading of the bill. According to the new rule every amendment to the post-route bill has been referred to the Committee on Post-Offices and Post-Roads, and the committee have examined each case. The bill is merely a formal one, including all routes that the committee concluded to recommend. I trust no time will be taken up in reading a merely formal bill.

Mr. STEWART. I do not wish to insist on the reading of the bill for the purpose of consuming time, if the Senate could be engaged in something that would be valuable; but there are many bills that are coming in and going through so rapidly that we hardly know where we stand. If the Utah bill or some bill for discussion after this is coming up, I withdraw my objection.

Mr. CLAYTON. I object to suspending the reading.

The PRESIDING OFFICER. The Senator from Arkansas objects, and the reading will proceed.

The Chief Clerk continued the reading of the bill.

Mr. HAGER. There are errors in spelling names in the California routes.

The PRESIDING OFFICER. The Senator will send the corrections to the Clerk and they will be made.

Mr. BOGY. Would it be in order to move that the amendments reported by the Post-Office Committee be concurred in without reading the bill from one end to the other?

The PRESIDING OFFICER. It would be in order by unanimous consent.

Mr. BOGY. I make that motion.

The PRESIDING OFFICER. The Senator from Missouri asks that the amendments reported by the Committee on Post-Offices and Post-Roads be agreed to without reading. The Chair hears no objection, and they are agreed to.

Mr. BOGY. I move that the further reading of the bill be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

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.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House had passed a bill (H. R. No. 3780) to relieve the political disabilities of Robert Tansill, of Prince William County, Virginia; in which it requested the concurrence of the Senate.

WITHDRAWAL OF PAPERS.

On motion of Mr. SHERMAN, it was

Ordered, That Lieutenant P. H. Breslin, United States Army, have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. SHERMAN, it was

Ordered, That Samuel Wilson have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. SPENCER, it was

Ordered, That J. T. Newcomer have leave to withdraw his petition and papers from the files of the Senate.

REPORTS OF COMMITTEES.

Mr. ALLISON, from the Joint Select Committee to inquire into the Affairs of the District of Columbia, to whom was referred the resolution passed by the House of Representatives May 5, 1874, directing that committee to inquire whether the officers or employés of the United States or any officers or employés of the District government have been engaged in any conspiracy to defeat or hinder the investigation ordered by Congress into the affairs of the District, and particularly in this connection to inquire into all the circumstances connected with the late robbery of the safe in the office of the United States attorney for the District of Columbia, submitted a report; which was ordered to be printed.

Mr. BOREMAN, from the Committee on Territories, to whom was referred the bill (H. R. No. 3749) to provide for the reapportionment of the Legislative Assembly of Idaho Territory, reported it without amendment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

COURTS IN UTAH.

Mr. FRELINGHUYSEN. I move that the Senate proceed to the consideration of the Utah bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah.

The Committee on the Judiciary proposed to amend the bill by striking out section 7, in the following words:

SEC. 7. That the common-law of England, as the same is defined and modified by the courts of last resort in those States of the United States where the common law prevails, shall be the rule of decision in all the courts of said Territory so far as it is not repugnant to or inconsistent with the Constitution and laws of the United States and the existing statutes of said Territory.

The amendment was agreed to.

Mr. FRELINGHUYSEN. I offer an amendment to come on page 6, in the sixty-third line, after the word "appeals."

Mr. BAYARD. Is the seventh section stricken out? That seems to me a most innocent-looking section.

Mr. FRELINGHUYSEN. I would say to the Senator from Delaware that the seventh section was stricken out at the instance of those who thought it might confer some criminal jurisdiction which was objectionable.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The amendment of the Senator from New Jersey will be reported.

The CHIEF CLERK. On page 6, in line 63, after the word "appeals," it is proposed to insert:

A writ of error from the Supreme Court of the United States to the supreme court of the Territory shall lie in criminal cases where the accused shall have been sentenced to capital punishment or convicted of bigamy or polygamy.

The amendment was agreed to.

Mr. FRELINGHUYSEN. There were a number of amendments which I proposed to make to this bill that do not go as far as some amendments which those who have been opposed to the bill propose to make, and therefore I will hear what amendments they desire to make.

Mr. SARGENT. On page 4, section 3, line 12, I move to strike out all after the word "divorce" down to and including the whole of line 28, on page 8.

The Chief Clerk read the words to be stricken out, as follows:

When a bill is filed by a woman to declare a marriage or pretended marriage void, on account of a previous subsisting marriage of the defendant to another woman, the court or judge thereof may grant such reasonable sum for alimony and counsel fees as the circumstances of the case will justify; and may likewise, by final decree, make such allowance for the maintenance of the complainant and her children by the defendant as may be just and reasonable. And whenever, in any proceeding for divorce, or in any civil cause, or in any criminal prosecution, it is necessary to prove the existence of the marriage relation between two persons, it shall not be necessary to prove the same by the production of any record or certificate of the marriage, but evidence of cohabitation between the parties as husband and wife, and the acts, conduct, declarations, and admissions of the parties shall be admissible, and the marriage may be established like any question of fact.

Mr. FRELINGHUYSEN. I intended to modify that part of the bill by making it apply only to the future; but under the view which is taken by those who are opposed to the bill, I submit it to the judgment of the Senate without making any opposition.

The amendment was agreed to.

Mr. SARGENT. On page 5, line 33, after the words "district court," I propose the following amendment:

Nothing in this act shall be construed to impair the authority of probate courts to enter land in trust for the use and benefit of the occupants of towns in the various counties of the Territory of Utah according to the provisions of an act for the relief of inhabitants of cities and towns upon public lands, approved March 2, 1867, and an act to amend an act entitled "An act for the relief of inhabitants of cities and towns upon public lands," approved June 8, 1868, or to discharge the duties assigned to the probate judges by an act of the Legislative Assembly of the Territory of Utah entitled "An act prescribing rules and regulations for the execution of the trust arising under the act of Congress entitled 'An act for the relief of the inhabitants of cities and towns upon the public lands.'"

There is no county court in Utah. The act of Congress provides that the county court shall execute this trust for the benefit of the towns. By an act of the Territory of Utah, however, for the purposes of that act of Congress the probate courts are made county courts. Of course if we repeal all jurisdiction of probate courts, this must be reserved. I believe this is accepted by the gentleman who reports the bill, and there is no objection to it.

Mr. FRELINGHUYSEN. I have made such inquiry as I could in reference to the propriety of that amendment, and as far as I can learn it is not objectionable.

The amendment was agreed to.

Mr. SARGENT. On page 8 after the word "challenges," in line 53, of section 4, I move to strike out all down to and including the word "same" in line 57. The words to be stricken out are:

And in the trial of any prosecution for adultery, bigamy, or polygamy, it shall be a good cause of principal challenge to any juror that he practices polygamy, or that he believes in the rightfulness of the same.

This amendment being adopted makes this bill as it was intended by the Senator from New Jersey this morning under all the circumstances of the case, so that it shall give efficiency to the courts there, untangle them in their civil and criminal proceedings, and leave the question of polygamy untouched for future consideration.

Mr. FRELINGHUYSEN. It had been my purpose to restrict that provision to future crimes. It is insisted, however, by those who are opposed to the bill that it must be taken out of the bill entirely, and rather than that the bill should fail and that there should be no law in Utah, I do not oppose the amendment.

The amendment was agreed to.

Mr. SARGENT. I have one other amendment, and it is the last. I am obliged to the Senator for his courtesy. On page 8, after the word "challenges" in line 53, I wish to insert "except in capital cases, where the prosecution shall be allowed five and the defense fifteen challenges."

When a man is being tried for his life three challenges is rather limited. I think there is no State in the Union that does not give at least fifteen, and some are even more liberal than that. I propose that the prosecution shall have five and the defense fifteen.

Mr. FRELINGHUYSEN. I move to amend that amendment so that the prosecution and defense each shall have fifteen, if that is the number. They ought to have the same.

Mr. SARGENT. That never is so under any law I ever heard of.

Mr. FRELINGHUYSEN. O, yes.

Mr. SARGENT. I do not know that there is any especial objection to the prosecution having fifteen. The main point is that the defense shall have fifteen. I will assent to that modification, so that it shall be fifteen.

The PRESIDING OFFICER. The amendment of the Senator from California will be modified so as to read "except in capital cases, where the prosecution and defense shall each be allowed fifteen challenges."

The amendment was agreed to.

Mr. INGALLS. I offer the following as an additional section to the bill:

That in all cases in which any person was deprived of his or her property in the Territory of Utah prior to the year 1860 by the action of the Mormons, or who before that time was forced to leave the Territory in consequence of the hostility of the Mormons, and whose property was taken, used, disposed of, or appropriated by the said Mormons, or who suffered any deprivation of property or personal wrong at the hands of said Mormons, he or she, or his or her heirs or legal representatives shall have the right to sue and recover for such losses and injuries to person or property against the individual Mormons, or against those who then had control of the Territory; or they may sue for and recover the identical property, real, personal, or mixed, of which the original party was deprived as aforesaid, the same in all respects as if the suit had been brought at the time the wrongs were committed: *Provided*, That such suits shall be brought in the proper courts within three years from this date.

It is well known, Mr. President, that in the disturbances in this Territory prior to the year 1860 a large number of people were expelled and their property confiscated and otherwise disposed of. Since that time there have been no courts to which parties could resort for the enforcement of their rights or the redress of their wrongs, and by lapse of time now that the courts are established they will be barred. The intention of this section is simply to remove the bar of the statute of limitations which has been enforced by the act of the Mormons themselves and to allow parties to sue in the courts for the recovery of their property or for the redress of their wrongs.

Mr. SARGENT. Will the Senator state what the statute of limitations in the Territory of Utah is?

Mr. INGALLS. I do not know what it is.

Mr. SARGENT. I think I am very reliably informed that there is no statute of limitations at all in the Territory of Utah. In that case

the amendment is entirely unnecessary. It raises a great many questions that I think would be necessary to be considered by the Senate. The amendment cannot pass without discussion. It embraces too many propositions of a novel character. There is no necessity for it, for the reason I have mentioned. I do not think any Senator can controvert the proposition which I make, that there is no statute of limitations, and has not been, in the Territory of Utah. That would dispose of any necessity for the amendment, and would answer the reason which is given by the Senator himself. The proposition itself, however, is of very doubtful character. It may be a question whether under it old hatreds will not be stirred up, whether on false pretensions persons may not be persecuted who are entirely innocent, and whether persons who are not at all responsible for the actions complained of may be held liable for them. If I understood the reading of the amendment it provides that anybody who had control in Utah in the ordinary sense, who held any office of power there, should be responsible for the acts of any one, no matter who, that was lawless in any part of the Territory extending for years back.

Certainly provisions of this kind ought not to be incorporated in this bill. If there was any necessity for anything of the kind, if anybody complained that the courts of Utah which are opened by the bill have not been open all the time, so that he could begin a suit, or that he is prevented from so doing by any statute of limitations, then we might give it a respectful hearing; but it will take too much time to justify us in adopting this amendment in the loose manner in which it is drawn.

Mr. INGALLS. It is a matter of public notoriety that the courts in Utah have been closed during the period to which the amendment refers, and the bill that is now under consideration is for the express purpose of providing courts in Utah by which these questions may be tried. So far as the questions involved in the amendment are concerned, I would state to the Senator from California that they are neither numerous nor novel. It is simply and purely a question whether the bar of the statute of limitations shall be removed as against the persons by whom these crimes were committed; and the difficulty has been that the courts having been closed there has been no forum, no tribunal to which those parties could apply for redress. It appears to me that the amendment is so humane, it is so just, it is so in accordance with all the principles of law that there ought to be no discussion whatever in the Senate upon it. It should be adopted without controversy.

Mr. THURMAN. I must confess my surprise that such an amendment as this is pressed on this bill, and I should be more surprised were it not that I have a very firm conviction that one of the great objects of this bill, if not the greatest object of it, is to stir up litigation whereby certain gentlemen of the profession in Utah may make money. I believe that but for that special interest of stirring up litigation in that Territory, we should hear nothing of this bill.

We hear a great deal about a failure of the courts there and of a want of courts. If there is want of courts there, it is the want of the officials. There is law enough for courts now; but it seems that some gentlemen must have an act passed that shall give rise to litigation in Utah; and here is a proposition to go back to 1830, to go back fourteen years; to stir up suits for assaults and batteries, for trespass, and the like, suits that in every State of this Union that has a civil code are barred in one or two years—to go back and take them up and revive the causes of action against not simply the wrong-doers, but to create a cause of action against those who were in the government of the Territory whether they were the wrongdoers or not; to revive actions absolutely barred. Where does the Senator get his authority to do that, I should like to know?

Mr. INGALLS. The Senator, certainly, as a lawyer, must be familiar with the fact that if the Mormons themselves have kept the courts closed and refused parties the forum in which these matters can be tried, when we now attempt to institute courts and provide for the administration of justice, these claims ought certainly to be sometimes tried and heard.

Mr. THURMAN. It will not do to say that the Mormons have refused a forum. Ever since 1856 there have been courts of the United States in that Territory, I believe before 1856; courts maintained by the power of the General Government and competent to afford redress to anybody who was wronged in that Territory. This proposition therefore is, as I said before, to revive causes of action that are absolutely barred; and I once more demand of the Senator to know where he finds authority to do such a thing as that? He has no more right to revive a cause of action where the bar has become complete, than there is to legislate that his house shall become my property. You may before the bar becomes complete, in a case of the statute of limitations, extend that act; but after the bar of the statute becomes complete the Legislature has no power to revive that cause of action.

Mr. INGALLS. Does not the Senator admit the fact that the statute of limitations never runs against fraud?

Mr. THURMAN. I do not admit any such thing.

Mr. INGALLS. It has been established by the Supreme Court of the United States repeatedly.

Mr. THURMAN. I do not admit any such thing as that the statute of limitations does not run against fraud. It runs against many cases where there is fraud, actions of deceit, actions for obtaining money by false pretenses, and a vast variety of cases.

But, sir, that is not the question. The Senator's amendment goes to everything; it goes to the question of an action of ejectment for real estate forsooth when it is as well-settled law in this country as anything can be settled that where the bar of the statute of limitations is complete in respect to real estate, it operates to divest the title of him who has been out of possession and to vest title in him who has had the possession required by the statute. You propose to take a man's property, which is his as much as if he held it by patent from the United States, and to take it by an act of Congress! Surely, sir, it cannot be necessary to back against such a proposition as this amendment unless we are prepared to stir up the very worst state of things that can exist in any country—a universal litigation from one end of it to the other, and that with a feeling on the part of nine-tenths of the people of that Territory that this litigation is part of a persecution they are to endure, and endure perhaps even to the death.

Mr. FRELINGHUYSEN. Mr. President, I shall vote against this amendment. There are a great many amendments which have been made to this bill which I have agreed to, not because I thought they ought to be made, but because by reason of the situation of the bill I do not think it is wise when we are within two hours of the end of the session to introduce on this bill new matter which has nothing to do with the great object we have in establishing law in that Territory; and therefore I shall vote against the amendment.

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

The amendment was rejected.

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

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

The bill was read the third time.

Mr. SPRAGUE. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 3038) to extend the time for completing entries of Osage Indian lands in Kansas.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled 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 it was thereupon signed by the President *pro tempore*.

HARPER'S FERRY PROPERTY.

Mr. DAVIS. A day or two ago I offered a resolution in regard to the Government property at Harper's Ferry. I now ask leave to call it up and have it acted on.

There being no objection, the Senate proceeded to consider the following resolution, submitted by Mr. DAVIS on the 20th instant:

Whereas what is known as the Harper's Ferry armory property was sold at public sale in 1869 to F. C. Adams by direction of the War Department, and the entire purchase-money thereof has long since been due, but no part thereof has been paid; and whereas from the neglect of said property it is fast depreciating and being destroyed in value, to the pecuniary loss and suffering of the people of Harper's Ferry; and whereas a decree from the proper court has been granted for the resale of said property in order to obtain the purchase-money, with interest and costs:

Resolved, That the Attorney-General be requested to proceed at once by all legal means to enforce the collection of the amount due the Government by F. C. Adams and his sureties on said purchase and to effectuate a resale of said property.

Mr. DAVIS. I wish to amend the resolution by striking out the latter part about effecting a resale. The words proposed to be stricken out are "and to effectuate a resale of said property."

The amendment was agreed to.

The resolution, as amended, was agreed to.

NIAGARA RIVER BRIDGE.

Mr. FENTON. I ask leave to take up a little bill, only a few lines, House bill No. 2909.

There being no objection, the bill (H. R. No. 2909) to declare the bridge across the Niagara River, authorized by the act of Congress approved June 30, 1870, a post-route, 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.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the concurrent resolution of the Senate authorizing the Committees on Appropriations of the two Houses of Congress to meet at the Capitol during the recess of Congress to make inquiry into and report any method by which reforms may be made in the expenditures in the several branches of the civil service, and the estimates of appropriations therefor, and the appropriation bills.

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. 169) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico and minister to the republic of Mexico;

A bill (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act;

A bill (S. No. 854) extending the right of way heretofore granted to the Alleghany Valley Railroad Company through the arsenal grounds at Pittsburgh, Pennsylvania;

A bill (S. No. 733) regulating gas-works.

COMMITTEE ON TERRITORIES.

Mr. PATTERSON. I desire to call up a resolution I reported from the Committee on Territories a few days ago.

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

Mr. PATTERSON. This will not take a minute.

Mr. SHERMAN. The Senator can have it pending when the Senate resumes legislative session.

The PRESIDENT *pro tempore*. The resolution indicated by the Senator from South Carolina will be considered as before the Senate. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD.

Mr. HITCHCOCK. I move to take up House bill No. 3025.

The motion was agreed to; and the bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873, was considered as in Committee of the Whole.

Mr. ROBERTSON. I think the Senator from Nevada [Mr. STEWART] objected to that bill, and it was laid over.

The PRESIDENT *pro tempore*. The Senate has taken up the bill on motion, and it is before the Senate as in Committee of the Whole. The question is on the amendment of the Committee on the District of Columbia which was before read.

The amendment was agreed to.

Mr. ROBERTSON. I ask that the bill be read. I have not heard it.

The PRESIDENT *pro tempore*. The bill has been read.

Mr. ROBERTSON. Has it been reported from the Committee on the District of Columbia?

Mr. HITCHCOCK. Yes, sir; it has been reported from that committee.

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

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

Mr. ROBERTSON. I call for the yeas and nays on the passage of the bill. I will say that the bill was up during the morning hour and was laid over.

Mr. HITCHCOCK. That does not make any difference.

The PRESIDENT *pro tempore*. The Chair thinks a sufficient number has not risen to second the call for the yeas and nays. The question is on the passage of the bill.

Mr. ROBERTSON. I wish to record my vote against it.

The PRESIDENT *pro tempore*. The call for the yeas and nays is not sustained.

The bill was passed.

Mr. ROBERTSON. I enter a motion to reconsider the bill.

Mr. HOWE. I ask—

Mr. HITCHCOCK. I move that we act on the motion to reconsider. The PRESIDENT *pro tempore*. The question is on the reconsideration.

The motion to reconsider was not agreed to.

Mr. ROBERTSON. Can a motion to reconsider be acted on the same day it is made, unless by unanimous consent?

The PRESIDENT *pro tempore*. Certainly it can.

VIENNA EXPOSITION COMMISSIONERS.

Mr. HOWE. I move to proceed to the consideration of Senate bill No. 623.

The motion was agreed to; and the bill (S. No. 623) to enable the Secretary of State to pay salaries to certain of the commissioners to the Vienna exposition, appointed under authority of joint resolution approved February 14, 1873, was considered as in Committee of the Whole.

The bill allows the Secretary of State to pay out of any balance now remaining unexpended of the moneys appropriated in joint resolution approved February 14, 1873, entitled "Joint resolution to enable the people of the United States to participate in the advantages of the international exposition to be held at Vienna in 1873" the sum of \$500 to each of the six practical artisans, five scientific men, and four

honorary commissioners, appointed under authority of that joint resolution, who, in addition to undertaking reports upon special subjects at the exposition, either served upon international juries or were detained in Vienna by reason of assisting in the arrangement of the American department of the exposition or the performance of other duties imposed upon them by the State Department for a period of more than seventy-five days, as shown by the records on file in that Department.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 683) to authorize the use of gilt letters for the names of vessels;

A bill (S. No. 600) for the relief of Captain James B. Thompson; and

A bill (S. No. 794) to legalize the muster of Reuben M. Pratt as second lieutenant.

The message also announced that the House had agreed to the concurrent resolution of the Senate authorizing the Joint Committee on the Library to sit during the recess.

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

A bill (H. R. No. 104) for the relief of James Coats, of Jackson, Mississippi;

A bill (H. R. No. 3254) to relieve the persons therein named of their legal and political disabilities;

A bill (H. R. No. 3253) to remove the political disabilities of Richard T. Allison, of Maryland;

A bill (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities;

A bill (H. R. No. 3091) to release J. W. Bennett from political disabilities;

A bill (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia;

A bill (H. R. No. 3027) to remove the disabilities of Van Ranselaar Morgan, Thomas M. Jones, and Charles M. Fauntleroy of Virginia, and of A. S. Taylor of Maryland;

A bill (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all legal and political disabilities imposed by the fourteenth amendment to the Constitution;

A bill (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland; and

A bill (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers.

COMMITTEE ON TERRITORIES.

Mr. PATTERSON. Now I call up the resolution I reported from the Committee on Territories.

The Senate proceeded to consider the following resolution:

Resolved, That the Committee on Territories be authorized to sit during the recess, and to investigate as to the manner of the execution of the laws of the United States in the Indian Territory; also as to the wants and sentiments of the inhabitants of said Territory, and the advisability of creating a territorial form of government for said Indian country; said committee to have power to take testimony and send for persons and papers; and that the expenses attending this investigation shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of the said committee.

Mr. HAMLIN. I move to amend that resolution by inserting "and that each of the other committees of this body also have leave to sit during the recess and rove over the country and do about what they please."

That is a most vicious thing. I have not heard anything here like it. I believe we have authorized the Committee on the Library to sit, but they have some specific duty to perform which we have imposed upon them. This resolution, I take it, will meet the approbation of no Senator unless it be amended as I propose, so that we shall have a good time riding over the country.

Mr. CLAYTON. What is the business before the Senate? Is the resolution before the Senate?

The PRESIDENT *pro tempore*. It is.

Mr. CLAYTON. Then I should like to make a few remarks.

This resolution is reported by the Committee on Territories. That committee by direction of the Senate had under consideration a bill for the organization of a territorial form of government in the Indian country; it also had a petition signed by a large number of persons claiming to be colored people inhabiting the Indian country. They set forth that they neither had the rights of American citizens nor the rights accorded to Indians. They set forth a very deplorable condition. It will be recollected that the treaty of 1866 attempted to provide a way whereby that question should be adjusted to the satisfaction of both the Indians and the colored people, but for some reason or other that treaty never was carried into execution, and today the Indians and the colored people there desire Congress to settle the question.

In addition, it is well known that there is a great deal of lawlessness in the Indian Territory. It is asserted on the one side that the machinery of the Federal Government through the United States courts does not grant sufficient protection to the people there and does not execute the laws. On the other side it is asserted that it does. There is a difference of opinion even among the Indians as to what

they ought to have. Some think they ought to have an Indian government and some think the present condition of affairs ought to continue.

It does seem to me that Congress ought to have some knowledge upon these various questions. There is no portion of this country that is so little understood as this Indian reservation. They have no newspapers there; white people are excluded from them; and the only information Congress has in relation to the doings in this Territory comes from interested parties—Indian agents, Indian traders, &c. It seems to me if Congress through a committee would give more investigation into the manner of executing the law in the Indian country, in the Indian reservation, they would save a great deal to the Government and they would do a great deal for the Indian. I think we should have some opportunity to ascertain the exact condition of affairs there before we are called to recommend to the Senate any measure looking toward the establishment of a government or anything else.

The territorial government measure has been before Congress for two or three years. It has attracted the attention of Congress. All we have is the information of lobbyists who hang around Congress and a few long-haired Indians who come here paid to represent a certain state of affairs. It seems to me that if you want reliable information on this subject or other subjects which have been referred to this committee, you must allow us to investigate the matter.

There has been a proposition made, and it is on our tables now, for Congress to appoint a commission, to create new officers to make this investigation. It seems to me while Congressmen are paid a salary they can afford to devote a little time to investigate this matter for the benefit of the Senate. I do not expect to be able to attend to this business myself. I have no idea that I shall; but there are members of the Committee on Territories who are willing to give it their attention and endure the labor and hardships attending such an investigation.

The PRESIDENT *pro tempore*. Does the Senator from Maine insist on his amendment?

Mr. HAMLIN. Yes, sir.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine which, will be read.

Mr. SPRAGUE. I move a short executive session. I desire to make a report on executive business.

Mr. CLAYTON. I ask the Senate to dispose of this question.

Mr. SPRAGUE. I withdraw the motion.

Mr. SHERMAN. I am informed by the Senator from Arkansas that several other committees are authorized to sit during the recess—the Committee on Naval Affairs, and some others. I did not know that any were. I desire to say that this is a very modern innovation. I do not know that I have voted for any except one and I happened to be a member of that committee; and if that was not an exception, I do not know of any. That was the Committee on Transportation, where it was necessary for the committee to go around, and the committee felt themselves under peculiar circumstances, and they did not expend as much as the same number of gentlemen would expend ordinarily in traveling the same distance. I think this habit of sending out committees of this body all over the country is not to be indulged in. It has gone too far already.

This matter to be investigated is a question of general legislation affecting a small portion of the country. We can act on every matter that is embraced in this inquiry just as well without sending a committee of this body to the Indian country as in any other way. Every bill that is up, every measure that is presented, presents fully as strong reasons for sending a committee of the body over the country as this. In the case of a contested election or the like there may be some necessity for sending away a committee. In the case of the Transportation Committee everybody can see the necessity of it; but I do not think the thing ought to be carried further.

The Secretary of the Treasury at this very session requested the Committee on Ways and Means and the Committee on Finance to meet here in the city of Washington during the coming recess to hold a special session for certain purposes, to revise the laws; but we felt a delicacy about it, and were not disposed to ask the Senate to concur in that, although it would cost the Government nothing; and we declined to do it.

It seems to me we ought now to stop; we ought to go no further. Perhaps we have furnished precedents that are bad, which would naturally lead the Senator who offered the resolution to propose it.

Mr. CLAYTON. This proposition is made by a committee, not by a Senator.

Mr. SHERMAN. But, at all events, it seems to me that the proposition that we are called upon to consider is purely a matter of public information, which can be brought to the Senate of the United States just as well through the ordinary channels by the executive authorities as by sending out committees of the Senate on a roving commission.

I shall feel myself bound to vote against the resolution without any discourtesy to the committee or to any one who may vote for the proposition. Unless there is some special reason, some peculiar circumstances, some necessity for examining the *locus in quo* under circumstances that a proper court would order a jury to go and examine the premises, I will not vote for any more of these roving commissions, and this case does not present that exception. The Indian

Territory is just as well known to the people of the United States as many States of the Union. Although we have not been there we legislate about it, and we can just as well legislate about the condition of affairs in the Indian Territory on information of an official character spread on our records as we can by sending a few of our members there to see the Indian country.

It seems to me that we ought not to detach a portion of the Senate of the United States in their official character on a mere question of public policy, on the passage of a law affecting certain portions of the country, to go roving around. There is no justification for it. The expense involved is not very great, although it will amount probably to about \$10,000. That is about the ordinary expense of one of these committees. The Committee on Transportation cost something less than that, traveling all over the country. The question of expenses is not so important; but consider the example that is being set, which will be continued and increased until finally all the committees of the Senate will be wandering over the country for some time carrying the flag of the Senate of the United States, having a good time generally, seeing what is to be seen and being feasted and treated. Unless there is some special reason, some special case that has not yet been named by the Senator, I think the Senate ought to put a stop to this business by rejecting the proposition.

Mr. HAMLIN. I want to modify my amendment and simply make it apply to the Committee on Mines and Mining. I think this body understands really as little of the value and locality and what belongs to the mining industry as of any subject that comes before us, and it is a vast subject. I think they can group more information that will be useful to this body than a half-dozen Indian committees. I will therefore confine it to that.

The PRESIDENT *pro tempore*. The Senator from Maine moves to amend the resolution by adding "the Committee on Mines and Mining."

Mr. BUCKINGHAM. I have refrained from saying anything on this subject, but I will not refrain longer. If any committee is to visit the Indian Territory it seems to me it should be the Committee on Indian Affairs, the committee to which is committed more particularly those questions which refer to the government of Indians and the relations which the Government of the United States sustain to them; not that I want to go, not that I desire to have the Committee on Indian Affairs go. I have no such desire. On the contrary, I think we can otherwise secure all the information which is necessary to enable us to establish good government and maintain good government over the Indian Territory as we can over the Territories of Washington and Colorado. It seems to me the Committee on Territories, with all due respect to their judgment, are stepping a little out of their latitude, although I agree that when the question of territorial governments comes up they consider it as belonging to them.

Mr. HAMILTON, of Texas. If I could be surprised at anything now in the way of enormities, it would be at the proposition of the Senator from Arkansas to send the Committee on Territories out to work up a job that has been persistently worked up for the last twelve or eighteen months.

Mr. CLAYTON. I want to say to the Senator from Texas in the first place that this is not my proposition. I have said over and over again that this is a proposition submitted to this body by the Committee on Territories. I want to say to him more than that—that this is not a proposition to work up any job. He assumes too much when he assumes that it is.

Mr. HAMILTON, of Texas. Mr. President, I live on the border of the Indian Territory, and I feel interested in this matter. I know what the Indians want—

Mr. PATTERSON. I wish to correct the Senator from Texas.

Mr. HAMILTON, of Texas. I have been appealed to again and again by the friends of one or two railroad companies that pass through that Territory and by a number of persons living around the Indians, in Kansas and Missouri and Arkansas and in Texas. I know that all the people in that region of country, or nearly all of them, want the Indian Territory settled up. They all tell me so. I say to them "You cannot invade the rights of the Indians in the Territory without their consent. They are under treaty stipulations with the Government of the United States, and the Government is bound to protect them." The Indians do not want the organization of a territorial government there. They have told you so almost in a body. I think every Senator on this floor knows the fact. They have kept delegations here all this winter at heavy expense in order to protest against this thing, because they feared that it would be sprung upon them and carried through without their knowledge.

Mr. President, I see from the papers in Kansas—and the headquarters of the force that is working up this scheme is at Lawrence, Kansas—that they say there are from ten to fifteen thousand people now waiting on the southern border of Kansas to go into this Territory as soon as it is organized.

Mr. INGALLS. I will say to the Senator that the sentiment of the people of Kansas is almost unanimous against this territorial organization.

Mr. HAMILTON, of Texas. I am very glad to hear the Senator say so; but I recollect that one of his citizens was in Baltimore last fall lecturing on the subject, and he stated a very different thing.

Mr. INGALLS. What citizen was that?

Mr. HAMILTON, of Texas. I have forgotten his name.
Mr. INGALLS. A Colonel E. C. Boudinot, from the Indian Nation.
Mr. HAMILTON, of Texas. No; I know Colonel Boudinot; this was another gentleman.

Mr. STEWART. Will the Senator give way to me that I may move to reconsider the railroad bill which we passed in what was really executive session, the Point Lookout Railway?

Mr. HITCHCOCK. That motion has been made and voted on.

Mr. STEWART. I was taking lunch, supposing the Senate was in executive session, and was watching that bill.

Mr. HAMILTON, of Texas. With due deference to the statements and sentiments of the Senator from Kansas—

Mr. STEWART. Allow me—

The PRESIDENT *pro tempore*. The Chair would like to understand whether the Senator from Texas yields to the Senator from Nevada to allow him to enter a motion to reconsider the vote referred to.

Mr. HAMILTON, of Texas. Yes, sir.

The PRESIDENT *pro tempore*. Then the motion is entered.

Mr. DAVIS. I rise to a point of order. A motion was made to reconsider the vote by which the Senate passed the bill that the Senator moves to reconsider, and that motion was voted down within the last half-hour. Now is it in order to make another motion to reconsider?

The PRESIDENT *pro tempore*. The Chair had forgotten that. The Senator from West Virginia is right. A motion to reconsider was made and voted down, and it cannot be renewed.

Mr. HAMILTON, of Texas. Now I hope I shall not be interrupted again. I was going to remark, with due deference to the statement made by the Senator from Arkansas, that the troubles and lawlessness in the Indian Territory are not a bit worse than they are in Arkansas, and I do not think they are as bad. My opinion is that Arkansas and some of the other surrounding States are not much better off than the Indian Territory as far as that is concerned.

I have to say, once for all, that if this scheme is carried, it means the breaking up of the Indian Territory. Everybody understands that. There is not an intelligent man anywhere in that region of country who does not know that every Indian, except perhaps a few civilized half-breeds who will become citizens of the United States, will be scattered upon the plains to forage on the frontier of Texas for his subsistence. You get a legislature in session there in the Indian Territory, and it will be bought up by a railroad ring in less than forty-eight hours; the lands will be sectionized and thrown into market; the Indians will be crowded out and driven God knows where, and you will develop a party of Captain Jacks before you get through with it, and every portion of the frontier will suffer in consequence of it.

But it is said that it is a necessity. The wants of commerce and the progress of civilization require that these people should give way. There is a long line of railroad at every passage of that country that does not pay the expenses and they want the country settled up in order to enable them to extend their lines.

I protest against any action on the part of the Congress of the United States looking toward the organization of a territorial government there until a majority of all the Indian tribes within the limits of the Territory shall petition the Government of the United States to that end. If you do it before that you destroy their rights; it means spoliation; it means the destruction of the remnant of the Indians that we are trying to civilize there.

I move to lay the resolution on the table.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 3023) for the relief of Andrew Mason.

The message also announced that the House had passed the bill (S. No. 321) reorganizing the several staff corps of the Army.

The message further announced that the House had concurred in the concurrent resolution of the Senate authorizing the Joint Committee on Public Printing to sit during the coming recess of Congress.

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. 294) for the relief of Joab Bagley;

A bill (H. R. No. 763) for the relief of Oliver P. Mason;

A bill (H. R. No. 1305) granting a pension to E. Caroline Webster, widow of Lucius H. Webster;

A bill (H. R. No. 1410) to fix the salaries of the clerks at the United States armory in Springfield, Massachusetts;

A bill (H. R. No. 1939) for the relief of the sureties of James L. Collins;

A bill (H. R. No. 2187) authorizing and requiring the issuance of a patent for certain lands in the county of Scott, in the State of Missouri;

A bill (H. R. No. 2088) for the relief of James Lillie, postmaster at Lisbonville, Ray County, Missouri;

A bill (H. R. No. 2349) for the relief of Burke & Kunkle;

A bill (H. R. No. 2791) granting a pension to Franklin Stoner;

A bill (H. R. No. 2891) for the relief of Mrs. Louisa Eldis, of Sandusky, Ohio;

A bill (H. R. No. 2930) for the relief of Jesse F. Moore and Charles W. Lewis;

A bill (H. R. No. 3088) to extend the time for completing entries of Osage Indian lands in Kansas;

A bill (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all political disabilities imposed by the fourteenth amendment to the Constitution;

A bill (H. R. No. 3411) to amend an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown, and the Washington City Orphan Asylum in the District of Columbia," approved May 24, 1828;

A bill (H. R. No. 3432) to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction; and

A bill (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude.

E. MELLACH.

Mr. STOCKTON. I have not asked a courtesy from the Senate this session. There is a little bill that I want to have taken up and put through the Senate. It is a bill from the Naval Committee, a bill that is eminently right, and if any gentleman wants it explained I will explain it. It is a very small matter, and concerns a constituent of mine in my own town.

There being no objection, the bill (S. No. 898) to authorize the settlement of the accounts of Passed Assistant Paymaster E. Mellach, United States Navy, was read the second time, and considered as in Committee of the Whole. It directs the accounting officers of the Treasury of the United States, in settling the accounts of E. Mellach, passed assistant paymaster United States Navy, to credit him with all stoppages charged against him, amounting to \$25,104.98, and to allow him his pay from the 2d of May, 1872, to the 7th of April, 1874.

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

COURTS AT EVANSVILLE.

Mr. WRIGHT. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 2534) to change the time for holding the circuit and district courts at the city of Evansville, to report the same back without amendment, and I ask that it be put on its passage.

By unanimous consent, the bill was considered as in Committee of the Whole. It provides that the terms of the circuit and district courts of the United States for the district of Indiana, which are provided by law to be holden at the city of Evansville, shall hereafter be held at that city on the first Mondays of April and October in each year.

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

INDIAN LANDS IN KANSAS.

Mr. CONOVER. House bill No. 3352 was up this morning, to which I objected under a misapprehension. I wish now to withdraw my objection, and move to take up the bill.

The motion was agreed to; and the bill (H. R. No. 3252) to provide for the sale of certain Indian lands in Kansas was considered as in Committee of the Whole.

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

WILLIAM C. BRASHEAR.

Mr. CONOVER. There is a bill for the relief of William C. Brashear, of the Texas navy, which I think will take but a moment, and I ask that it be considered. It is House bill No. 2198.

Mr. INGALLS. That bill was laid aside this morning on my objection, but after examination I withdraw the objection.

There being no objection, the bill (H. R. No. 2198) for the relief of the heirs at law of William C. Brashear, an officer of the Texas navy, was considered as in Committee of the Whole. It provides for the payment to the heirs at law of William C. Brashear the amount of leave pay per annum, from the date of the annexation of the republic of Texas to the date of his demise, it being the rate and pay to which he would have been entitled as an officer of the Texas navy under the twelfth section of the act entitled "An act making appropriations for the naval service for the year ending June 30, 1858," approved March 3, 1857, in the event that he had lived to the passage of that act.

The bill was reported to the Senate, and ordered to a third reading.
Mr. WASHBURN. I suggest to the Senator if he wishes this bill to pass he had better let it remain where it is. He will lose his bill if it passes here, as it cannot be enrolled.

Mr. CONOVER. It is a House bill.

Mr. WASHBURN. I understand that House bills that passed an hour ago cannot be enrolled before the adjournment.

The PRESIDENT *pro tempore*. They can be enrolled at the next session.

Mr. CONOVER. It is a matter in which I have no interest, but the bill is eminently just and proper.

Mr. WASHBURN. I do not object to the bill, but I think it would put the bill in a bad position to pass it now.

Mr. HAMLIN. Any bill, as the Senator says, that is passed now is

killed; it goes off the Calendar. If there be merit in it let it remain on the Calendar and we can take it up at the next session.

The PRESIDENT *pro tempore*. The Chair would suggest, with all deference to the Senator from Maine, that bills passed and not enrolled can be enrolled at the commencement of the next session. It is a step in the regular progress of the bill.

Mr. HAMLIN. Very well.

The bill was read the third time, and passed.

INTRODUCTION OF BILLS.

Mr. FENTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 961) for the relief of John R. Harrington; which was read twice by its title, and, together with the petition in the case, was referred to the Committee on Patents.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 962) to authorize the Commissioner of Patents to extend certain letters-patent therein described; which was read twice by its title, and, together with accompanying papers, referred to the Committee on Patents.

KANSAS INDIAN LANDS.

Mr. BUCKINGHAM. We stopped on the Calendar in the order of business No. 675. The next bill is one that is regarded as important by the Committee on Indian Affairs, and I ask that it be taken up.

There being no objection, the bill (H. R. No. 3528) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale, 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.

IMPROVEMENT OF OOSTENLAULA RIVER.

Mr. GORDON. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. No. 3327) to provide for the improvement of the Oostenaula River, in the State of Georgia, to report it without amendment, and ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates the sum of \$10,000 for the improvement of the Oostenaula River, in the State of Georgia.

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

PUBLIC BUILDING AT AUBURN, NEW YORK.

Mr. MORRILL, of Vermont. I move that the Senate proceed to the consideration of House bill No. 3761.

The motion was agreed to; and the bill (H. R. No. 3761) directing the Secretary of the Treasury to report upon the necessity of a public building at the city of Auburn, New York, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to report to Congress at the beginning of its next session whether the present needs of the Government require the erection of a public building at Auburn, New York, and the estimated cost of the same.

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

J. SCOTT PAYNE.

Mr. CLAYTON. I ask the Senate to take up the bill (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry.

Mr. EDMUNDS. I wish to ask the chairman of the Committee on Military Affairs to explain, before this bill is taken up, how it affects the question of jumping this person into the rank of a first lieutenant over all the second lieutenants, and over all the first lieutenants below him?

Mr. LOGAN. I do not know anything about the bill. It was reported in my absence. The Senator from Arkansas has charge of it.

Mr. EDMUNDS. I had forgotten that the Senator from Arkansas was a member of the Military Committee. I should be glad to hear my friend from Arkansas explain how it operates, before the bill is taken up.

Mr. CLAYTON. There is a report in the case and perhaps the reading of it would be more satisfactory to the Senator. It is a report of the House committee which the Senate committee adopted. The facts are about these: This officer tendered his resignation to take effect some three months ahead. The resignation was accepted before that time. The conditions of the resignation were not compiled with. This proposition is merely to give the President authority if he sees proper—it does not require him to do it but merely authorizes him—when a vacancy occurs to place this officer in the position he would be entitled to occupy if he had not resigned. He withdrew the resignation.

Mr. EDMUNDS. How could the officer withdraw his resignation after it was accepted, I should be glad to know?

Mr. CLAYTON. It was not accepted in accordance with the terms of the resignation. He resigned to take effect some time in December and the resignation was accepted to take effect in September, accepted immediately. The terms of the resignation were not complied with in the acceptance.

Mr. EDMUNDS. I should like to hear the report read.

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

The Chief Clerk read the following report, submitted by Mr. DEX-

NAN from the Committee on Military Affairs of the House of Representatives on the 2d of May last:

The Committee on Military Affairs, to whom was referred the House bill No. 2771, having had the same under consideration, respectfully submit the following report:

In the month of June, 1868, J. Scott Payne, then first lieutenant Fifth United States Cavalry, tendered his letter of resignation, to take effect December 1 of same year. Subsequently charges were preferred against him, and he was summoned to appear before a court-martial at Washington, District of Columbia, early in August, 1868. Pending the trial he applied to the then Secretary of War for the withdrawal of his resignation, which was declined. The court-martial acquitted him of the charges, but the resignation which he had asked to withdraw was accepted September 12, 1868.

On the 30th of January, 1869, the War Department issued Special Order No. 25, as follows:

[Extract.]

8. By direction of the President so much of the Special Orders No. 230, paragraph 4, from this office, dated September 14, 1868, as accepts the resignation of First Lieutenant J. Scott Payne, Fifth United States Cavalry, to take effect September 12, 1868, is hereby revoked.

By command of General Grant.

E. D. TOWNSEND,
Assistant Adjutant-General.

It is claimed that the President could not restore to the service an officer who had resigned by revoking the acceptance of his resignation, and no effect has been given to Special Order No. 25, above stated. Last year the President appointed Payne a second lieutenant in the Sixth United States Cavalry. The bill before the committee provides in case of the first vacancy that this officer be reinstated in the grade which he held in his old regiment, thus giving effect to the special order of the War Department of January 30, 1869.

The bill is, however, imperative in its terms. The committee recommend striking out of lines 6 and 7 of the bill the words "shall be appointed," and inserting after the word cavalry in the fourth line the words "the President is hereby authorized to appoint."

And being so amended, the committee recommend the passage of the bill.

Mr. EDMUNDS. I do not think this bill can be finished in some considerable time. It involves the question of jumping an officer who under charges offers his resignation, although the charges are not technically proved afterward, over the heads of those who would come before him and were promoted in consequence, a thing that is perfectly destructive to all discipline and good feeling in the Army, and it will require a good deal of consideration before this bill can pass or be rejected. We ought to understand exactly what we are about. There are matters which require consideration in another capacity, and I move that the Senate proceed to the consideration of executive business.

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

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

Mr. EDMUNDS. The motion is not debatable.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah.

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

A bill (S. No. 633) for the relief of A. H. Von Luettwitz, late lieutenant in Third United States Cavalry; and

A bill (S. No. 775) to authorize the construction of a railroad bridge over the Willamette River, at Portland, in the State of Oregon.

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. 683) to authorize the use of gilt letters for the names of vessels;

A bill (S. No. 794) to legalize the muster of Reuben M. Pratt as second lieutenant;

A bill (H. R. No. 104) for the relief of James Coats, of Jackson, Mississippi;

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;

A bill (H. R. No. 3091) to release J. W. Bennett from political disabilities;

A bill (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia;

A bill (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland;

A bill (H. R. No. 3253) to remove the political disabilities of Richard T. Allison, of Maryland;

A bill (H. R. No. 2909) to declare the bridge across the Niagara River authorized by act of Congress approved June 30, 1870, a post-route;

A bill (H. R. No. 3266) for the relief of Pekin Alcohol Manufacturing Company; and

A bill (H. R. No. 2798) for the relief of John J. Hayden.

THANKS TO PRESIDENT PRO TEMPORE.

Mr. BAYARD submitted the following resolution; which was unanimously agreed to:

Resolved, That the thanks of the Senate are due, and hereby are tendered, to the Hon. MATTHEW H. CARPENTER, for the courtesy and ability with which he has presided over their deliberations.

TRIAL OF F. A. DOCKRAY, IN CUBA.

Mr. CONOVER. I move that the Senate proceed to the consideration of the resolution offered by me on the 14th of May last, in reference to the arrest, imprisonment, and trial of F. A. Dockray, a citizen of Florida.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Resolved, That the President of the United States is hereby requested, if in his opinion compatible with the public interest, to lay before the Senate the correspondence between the Government and our consular agents in Cuba and the Spanish government in reference to the arrest, imprisonment, and trial of F. A. Dockray, a citizen of the United States, for alleged political offenses committed in Cuba.

Mr. CONOVER. Mr. President, there is nothing so peculiar in the conduct pursued by the Spanish authorities in Cuba toward Mr. Dockray that alone would have led me, as a representative of the State of which he is a citizen, to move the resolution relative to him. His case, unfortunately, is not singular. We have been made too familiar in the past with arbitrary arrests, military trials, and illegal executions of American citizens by those who have held despotic authority in the island of Cuba to be surprised by any new arrest. I am well satisfied that the executive department has been mindful of Mr. Dockray's claim upon its protection, and that all proper steps to obtain for him that kind of trial and those safeguards of liberty which are guaranteed to him by the treaty between the United States and Spain have been taken.

Had Mr. Dockray been arrested in any one of the European kingdoms, charged with an offense against its sovereignty, I should have presented my application for governmental interference in his behalf to the Executive only, confident that the nation by whose authority he was arrested would concede to him a fair trial before impartial judges, and all proper means of defense; but when I recur to the modes of proceeding which have in Cuba supplanted judicial inquiry and deliberate, honest judgments; when I consider who it is that governs in the island, that armed mobs overawe captains-general and force capital convictions by the terror with which they inspire those who sit to try the accused, I cannot allow this session to pass without an effort to have the Executive action morally strengthened by such a manifestation of the sentiment of this branch of the legislative body as will indicate to the Spaniards in Cuba, whether they be the lawful rulers or the lawless power behind and above them, that the people of the United States will brook no further outrages such as they have hitherto allowed to pass unrequited and unavenged.

The passage of the resolution will, I think, obtain for the Senate information which will enable this body and the people of the United States to learn on what pretenses American citizens are arrested and detained without trial, secluded in filthy dungeons, and subjected to all the outrageous cruelties that have become the fixed rule in Cuba.

And now that the Senate is considering this single case, and its attention is called to the dangers which menace the citizen of the United States whose presence in Cuba attracts to him the suspicion of the Spanish authorities, and the dangers to which he is exposed when accused of complicity with the Cuban revolutionists, it is not inappropriate to consider further whether the United States should longer refrain from expressing in some suitable and proper form its sympathy with those who are struggling to overthrow Spanish rule in the island, or should it be deemed contrary to our duty as a nation to make a solemn public declaration of those sentiments which it may be assumed our people individually entertain in favor of the Cuban patriots, whether we should not extend to them that measure of support which their struggle will derive from a recognition by the United States of their claim to be regarded as belligerents, and entitled to the rights and privileges which, in accordance with the usages and laws of nations, we may accord to them as such.

The government of Cuba is a despotism, the captain-general having by the royal decree of 1825 the same powers possessed by a military commander where military law exists; superadded to that the power of banishment, confiscation, and imprisonment without trial, and the right to impose taxes without being accountable for the taxes collected.

I read from the decree:

His Majesty the King, our lord, desiring to obviate the inconvenience which might result in extraordinary cases from division of command and from the interference of powers and prerogatives of the respective officers; for the important end of preserving in that precious island (Cuba) his legitimate sovereign authority and the public tranquillity through proper means, has resolved, in accordance with the opinion of his council of ministers, to give to your excellency the fullest authority, bestowing upon you all the powers which by the royal ordinances are granted to the governors of besieged cities. In consequence of this, His Majesty gives to your excellency the most ample and unbounded power not only to send away from the island any persons in office, whatever be their occupation, rank, class, or condition, whose continuance therein your excellency may deem injurious, or whose conduct, public or private, may alarm you, replacing them with persons faithful to His Majesty and deserving of all the confidence of your excellency, but also to suspend the execution of any order whatsoever or any general provision made concerning any branch of the administration as your excellency may think most suitable to the royal service.

The natives are entirely excluded from office and viewed as enemies; "driven from all profitable occupations in order to make room for Europeans; molested in the enjoyment of their property; and obliged, in order to obtain a precarious personal security, constantly to make presents and pay black-mail to the agents of the government." The taxes imposed and carried away from the island annually are about \$35,000,000.

I quote from reliable authority:

The amount of taxes collected in 1866 by the Spanish government was \$26,806,382. As we have no later official reports, we estimate that, with the new taxes imposed in 1867, the public revenues in 1868 must have amounted to \$35,000,000. About \$12,000,000 of this amount is derived from the custom-house, \$2,000,000 from the government lottery, \$11,000,000 from tax upon the productions of the soil, and the balance from taxes on trade and other sources. To this amount there can be added from fifteen to twenty million dollars more, which the people pay in fraudulent exactions and contributions.

The government of Madrid has been for the last ten years receiving from Cuba from five to six millions annually, called the *ultra-marine surplus*, and it has made Cuba pay the expense of the penitentiary of Fernando Po, off the coast of Africa, which costs not less than \$200,000 a year.

Cuba also paid the expenses incurred by the Mexican expedition in 1863, which amounted to \$10,000,000, and of the war with San Domingo, which amounted to about \$22,000,000.

None of this money is used for public works, schools, hospitals, or sanitary regulations, and moneys extorted from private citizens ostensibly for these purposes have been appropriated and carried away from the island. These operations have led to several efforts for freedom, commencing at the time the South American republics revolted; all of which have been failures up to the present revolution, which began in 1868. In 1844 military means were set to work to suppress an alleged conspiracy. The parties accused were rich, free colored men, who were put to death and their property confiscated; "their lives taken by wholesale on the scaffold, while not a few of them died under the lash, which was freely and mercilessly used to compel them to confession." All efforts to obtain reform and all petitions to the throne proved failures, owing to the influence of the Spaniards in the island.

Leading Cubans desire the abolition of slavery. The Spaniards desire to perpetuate it and to increase the number of laborers in bondage by the introduction of coolies and African apprentices, which furnish an additional reason for the hostility of the Spaniards to the native Cubans, notwithstanding the despotic power of the captain-general is bad enough.

I propose now to show that Spain is utterly powerless to govern in Cuba, and exercises no control except such as is agreeable to the volunteers.

Since the commencement of the revolution the "volunteers" have completely defied both the captain-general and the home government. They drove out General Dulce and treated the Spanish minister who came to the island with contempt, and boldly declared that they would not obey any decree of the home government which did not suit them. We have the highest authority that these evils exist in speeches of leading republican members of the Spanish Cortes in the presence of the ministers, and not by them refuted. Señor Quintero on one occasion said, in reply to a remark of the colonial minister:

I have no objection to reply that I fully recognize the services rendered by the Havana volunteers so far as regards the murders committed at the Café del Louvre and elsewhere, as well as in expelling and sending back hither General Dulce; as I am thoroughly well aware of the ignominy heaped upon the Spanish government for suffering such an attack upon its dignity. If there had been any sense of decorum in the government General Dulce would have returned with a squadron at his back strong enough to force him upon these rebels, for in plain truth the real Cuban rebels are the slave volunteers of Havana.

Señor Benot said in a debate in the Cortes:

What have I not to fear, when under the name of love for Spain they send our captain-general back to us again? Spain does not govern in Cuba, for if she did she would not suffer innocent children to be shot down as they have been. Most of you, my lords, are fathers. Picture to yourselves in your mind's eye your sons, being absent from the university of Havana in consequence of the absence of a professor, going in a spirit of boyish light-heartedness to a neighboring cemetery to play. Imagine, for this irreverence and a certain want of confidence that existed in the authorities, a ferocious and riotous mob taking your sons prisoners, subjecting them to a council of war, accusing them falsely of injuring the tombs whose glass fronts still remain intact! Imagine again the council of war acquitting them, and this savage rabble, worked up to a pitch of paroxysm at human blood being denied them, subjecting your innocent sons, after they had been acquitted, to another council of war; and there at the point of the bayonet, and under the fears inspired by the howls of these blood-thirsty hyenas there condemning eight of your sons to death and the rest to the common jail! Authorities in the Havana have ceased to exist since the rising has thrown into prison those that were in power; and thousands upon thousands of fierce, lawless men, with dire ferocity necessary to murder your sons unrestrained by law, present, indeed, a fearful picture! But you can hardly even yet form a just idea of this savage scene. The children numbered forty-four, and the second council of war ordered them to draw lots who should die; and among the others it fell to the lot of two brothers, and the stony hearts of the judges even, thinking it hard to deprive the father at one blow of both his sons, pardoned one of them; but in order that the arithmetical operation should remain correct and the due number of victims be retained, they substituted for the pardoned boy another, because he happened to be somewhat older than the rest, without thinking or caring that they were breaking the heart of another father by murdering his innocent son—so innocent indeed that he had not been in Havana on the day of the alleged demolition of the tombs. What should you say, O upright senators, who have grown gray in the administration of justice, if one of your sons had been condemned to death and shot like a dog for the fearful crime of being a little older than his unfortunate companions? This crime, then, incredible as it is and unexampled in the annals of history, remains still unpunished. * * * And yet the government tells us that crime is proscribed, while this is known to the whole world! Would to God that the bitter tale were hidden from the nations of the earth! I assure you, my lords, that I enter on the discussion of the colonial

question with fear, for it horrifies me to have to pick my way over governmental robberies, judicial murders, and the usurpation of parliamentary powers. * * * Cuba is growing under the scourge of arbitrary power. There is no law, no code, no constitution; the privileges of modern law are trampled in the dust, and the ancient laws are disregarded. Children are immolated; judgment is passed on the dead; the innocent suffer for the guilty; human ears are fried and eaten; the only power is brute force, the vile greed of bad officials, and the infamy of pirates, tyrants, and slavers.

Similar utterances were made at divers periods by other distinguished members of the Cortes. Señor Payela, in speaking of the purposes of the revolution, said:

They wish to preserve slavery to enable them to continue building up fortunes with the slave trade; they hate freedom because it is an impertinent informer of all the bad tricks which they have been accustomed to employ in certain mercantile transactions.

Señor Garrido also said on a similar occasion, in 1872:

You say you want twelve thousand more men to crush the Cuban insurrection; but this insurrection has already existed four years, and now you come and tell us that you want twelve thousand men to subdue it. This besides the fifty thousand or more that you have sent already! Ah! what you must do with Cuba is not to send twelve thousand more men from Spain, but send back from Cuba hither the twelve thousand vultures which are devouring it; what you must do with Cuba is to send her liberty and a great deal of it, because liberty attracts, mollifies, and renders thankful its recipient. Let this liberty be sent thither, and allow the Cubans to govern themselves like the rest of the Spanish provinces. I can tell you that the question of Cuba is for you an insoluble one. You may send your twelve thousand men there, as you have sent many times twelve thousand already during the last four years, but you will not settle the question for all that. You cry out that you must preserve the territorial integrity, and it appears that there is a tendency to believe that we on our side of the house do not wish to do so; but that is a mistake. We wish for it as much as you, and we wish for national unity; but we also wish for liberty, for without liberty there can be no real fatherland; and the Cubans have the same right to administer their island as we have to govern and administer our provinces and local interests.

Against tyranny there is always the right of rebellion, and we, who for fifty years were always rising against despotism, cannot deny the right of rising to those whom we ourselves oppress. Instead of sending twelve thousand men to settle the Cuban question, the republican party would settle it by federation, giving the Cubans the liberty we had ourselves; for if the insurrectionists cry "death to Spain," it is because Spain means to them oppression, tyranny, and plunder.

On another occasion Señor Payela said:

I have now to ask the minister of war whether, having already sent seventy-six thousand men and the Cuban affair not being nearly at an end yet, he thinks he is going to finish the war by sending still more soldiers? I think not; and although as I do not wish to raise a storm in the house, and will not speak about the Havana volunteers, I have only to say to his lordship that since he now asks for a conscription of forty thousand men because he thinks the war is coming to a finish, he will have to ask for a great many more when it really comes to an end, for he will then have to deal with an insurrection a great deal more to be feared than the present one, namely, an insurrection of the volunteers themselves. The government is asking us for soldiers to send to Cuba, as if it really commanded in the island. I can tell you, gentlemen, that the power that commands now in Cuba are the volunteers of Havana; and they command there because, for some reason which I do not know, they fear for their lives and fortunes and they believe it better to think and act for themselves in the matter of Cuba. The patriotism of the volunteers only means looking after their own interests. The seventy-six thousand men you have already sent have not sufficed to finish the war, nor will the twelve, fourteen, or even twenty thousand more you may send, because the insurrectionists are much more important than you think, and the volunteers are of more importance still. The proof of this is that we send them generals and they send them back to us again.

The Spanish government has hitherto in its communications with foreign governments characterized the efforts of the Cubans as the acts of outlaws and them as banditti, without arms, money, or organized government, led by a few disaffected reckless adventurers, and that the most populous and important parts of the island are free from war and whose population is quiet and loyal; that they have not been able to establish themselves at any important point on the coast, but are held within the mountain wilderness where they carry on a mere guerrilla and predatory warfare. The sentiment of the native Cubans may be inferred from what was stated by General Concha in 1852 when he was in command in Cuba. I read from his secret circular published in the New York Herald of May 2, 1874. It is fitly introduced here to show how he understood the sentiment of the natives, and it also marks the character of the man and the measures of oppression which he may be expected to resort to. It must be observed that this circular was issued secretly, and at a time when there was no hostile force on the island; it is as follows:

[Secret circular.]

Captain General of the Ever-faithful Island of Cuba:

This government being well aware that the traitorous enemies of Her Majesty, encouraged by the magnanimous indulgence with which until now the queen has treated them, and secretly protected by the new Administration of the United States, are projecting an invasion of this island in considerable numbers, and convinced at the same time of the necessity of putting down with a strong hand the revolutionary tendencies of the natives of the country, I order, under the sanction of the supreme government, that, in addition to the decrees communicated to you on the 3d of May and the 15th and 30th of July of this year, you will execute without delay or consideration of any kind the following precautionary measures:

First. At the first news of the disembarkation of pirates you will reiterate the order of the 13th of May about confining to barracks the forces at the disposal of the government in that place, placing them under arms and arranging the inactive classes of the police, firemen, militia, and enrolled sailors, and will also form unattached companies of all the young men and Spanish shop-keepers, in which the natives who are known to be well disposed toward the just cause of Her Majesty may be admitted.

Second. Simultaneously, without loss of time, and using armed force if it be necessary, you will have conveyed to the government house the principal creoles formerly designated in the list sent by you to this superior government as influential persons on account of their knowledge, riches, and revolutionary spirit. When gathered together there you will make them sign a manifest in conformity with the form I sent you on the 30th of last July. You will then order the immediate publication of such manifest, taking care to add to the general offer of lives and properties made there in the particular guarantee of all that each one may own according to your own judgment.

Third. Aware as this government is that it can only count upon the adhesion of Spaniards and of commercial men, and also persuaded at the same time that all the creoles are enemies, or at least indifferent to the triumph of the sacred cause of Her Majesty, and that in the end their means will go to serve traitors and revolutionists, you will collect from said gathering of creoles all the ready money which they may have, as a special and individual offering of the number which may have before signed the manifest.

Fourth. Taking into consideration the present penury of Her Majesty's revenues, in consequence of great military expenditures which the government has been obliged to raise because of the disaffection of the sons of this country, I authorize you, in the name of Her Majesty, in case of need, to exact from the Spaniards and commercial people, as a forced loan also, bearing 6 per cent. interest, any sum up to \$2,000,000 to sustain the war. And as it is not just that these people should be the first to be ruined on account of their loyalty, they will be given by this government local bonds or coupons, emitted on the usual terms in such cases, which you will order to be signed and guaranteed jointly and separately by all the creoles who may compose the meeting spoken of in the second article.

Fifth. To secure the execution of the preceding measure you will order a guard to take in custody and watch the said junta of creoles, so that none of them, under any pretext whatever, may leave the place designated by you as general headquarters. Said guard shall have for ostensible object that of protecting the creoles from the vengeance of their countrymen, and therefore you will treat them apparently with the greatest consideration, trying to make them understand, if it is possible, that all this is done for their good and personal safety.

Sixth. As it may be necessary for you to move to several places in your jurisdiction, according to the fortunes of war, in no case will you leave behind the before named creoles, but will take them with you to all places so as to not lose the moral force which their apparent co-operation will give to the government, preventing at the same time any use which the enemies of the crown might make of them.

Seventh. The disaffection of the natives being so marked that undoubtedly some of the above-mentioned creoles will make great efforts to mock our vigilance and desert from the side of the government, you will suppress with a severe hand any attempt of this nature, or any expression of discontent, by means of previous government measures; and in case you esteem it necessary to inflict exemplary punishment, so as to impose respect and absolute submission, you will shoot (*poner por las armas*) one or more of them, being sure to execute the sentence when you are distant from the city and the troops are on the march.

Eighth. And, it being most important for the triumph of the royal cause to make sure of all the results which the government proposes to obtain from these regulations in particular, I charge you with the greatest secrecy and the strictest compliance with them under the severest responsibilities of your life and office, requiring you to acknowledge the receipt of this communication.

God guard you many years.

The Herald comments on this circular as follows:

All the prominent Cubans in the city who have expressed an opinion upon the subject agree that the Spanish government in calling Concha for the fourth time to office in Cuba virtually confesses its inability to subdue the insurrection there. The patriots here have been in high glee ever since the arrival of the Marquis of Havana, whom they look upon as an aged tyrant who represents in himself every trait of the Spanish character that is most distasteful to Cubans, and they believe that during his present administration Cuba will emancipate herself from the mother country. The failure of Jovellar and his call for twenty thousand troops were measures that made manifest to the world the weakness of Spain. Also the action of Concha, who is taking a money compensation in lieu of drafted men that ought to be sent into campaign, shows the kind of pandemonium to which the new captain-general admits the island to be reduced. The Cuban newspapers here are bringing to light Concha's no very glorious antecedents, and predict the speedy abandonment of the island by the Spaniards, and in so doing but reflect the opinions of their wisest and most experienced leaders. The Cubans are daily on the lookout for news of another battle, and point with pride to the fact that General Portillo, the pacificator of the Cinco Villas, has showed himself to be, in Puerto Principe, entirely unable to cope with the astute and intrepid Maximo Gomez.

Mr. President, if he correctly expressed the sentiments of the native population in 1852, we have every reason to suppose that the friendly feeling in Cuba for Spain, if any, has not increased, when we find that so many causes for discontent have accumulated since. In this connection we cannot overlook the position of the colored population, as to which side their sympathies are with. There can be no doubt in this regard, since the Cuban government has decreed the emancipation of all slaves in the island. The strength of the revolution is in the unanimity of that portion of the population which comprises seven-tenths of the whole—the natives.

The actual results of the Cuban arms must be ascertained, of course, not merely by the magnitude of the forces pitted in battle at any one time against the Spaniards, the character of their equipments, the state of their treasury, or whether or not they are possessed of sea-ports and shipping. We must look to the effect produced upon the Spanish powers, their losses in battle, and the treasure consumed; the data for which we find in public documents and the press of Spain, as well as from other reliable sources. Mr. Sickles, in a dispatch to Mr. Fish, a year ago, stated that the Spanish government had lost in four years sixty thousand men. Señor Payela, we have seen, stated the loss at seventy-six thousand, to which is to be added at least twenty-five thousand for the past year because of the greater frequency of encounters and the greater number of forces employed in them.

The amount of money levied by Spain in Cuba during the war and actually applied is about \$100,000,000. Besides that, it is said there is a debt of nearly \$40,000,000. Money has been obtained by every means, ordinary and extraordinary, until their treasury is literally bankrupt. General Valmaseda not long ago, when in command, asked the home government for the insignificant amount of \$12,000,000, which was refused him for the reason that "it had not the money to give and its credit was too poor for it to be able to borrow that sum."

These facts and the recent financial decrees of the captain-general show that the means of carrying on the war have been exhausted, and that there is evidence that Spain is no longer able to furnish money or men, for the advices from Cuba inform us that General Concha has ordered a conscription even among the native Spaniards, and has also ordered the organization of a certain number of battalions of slaves.

These results have been produced by operations carried on by the

Cuban commanders, and they are cogent evidence in favor of their claims to be considered a belligerent nation. These facts address themselves to the consideration of our Government when deciding whether it is proper to recognize the Cuban government, leaving out of question our sympathy with their efforts to establish a republic, to put an end to slavery, and to do away with the existing injuries upon our commerce, irrespective also of our duty to interpose a check to the outrageous manner in which the Spanish generals have carried on the war. But we cannot ignore these cogent reasons why we should accord to the Cuban revolutionist that moral support to which they have entitled themselves by their military successes:

First. An independent republic in Cuba instead of the present system of rule there is certainly desirable by the people of the United States.

The abolition of slavery in Cuba is also a matter of the first importance, and the President has candidly stated to the government of Spain that it is a matter which the United States feels a deep interest in, and in fact insisted that it was its duty to have put an end to it. The diplomatic correspondence is full of the promises of Spain on the subject, made to the United States and England; but there has been nothing but evasion on the part of Spain. As was stated by Señor Payela in the Cortes, there is a power in Cuba greater than Spain. The Spanish volunteers and those who grew rich by the slave trade and large slave-owners boldly declare that they will obey no edict of emancipation if one should be issued by the Spanish government.

The manner and conduct of the war and the atrocities perpetrated are to be found in a publication entitled "The Book of Blood," wherein it appears that up to 1873 there were twenty-nine hundred and twenty-seven prisoners put to death in cold blood. This statement is made on the authority of the Havana newspapers. It is also alleged that more than five thousand have disappeared whose fate has never been made known, but no one doubts that they likewise perished. A large number have been arrested in civil life, tried by court-martial and condemned to death, to imprisonment in penal fortresses, or to the disgraceful punishment of labor in the chain-gang. Among these were some of the most distinguished and highly educated inhabitants of the island. The proclamation of Valmasado is well remembered, but I will reproduce it here in part, to show the brutality and inhumanity of the Spanish officials in their conduct of the war in Cuba:

First. Every man from the age of fifteen years and upward found away from his habitation and does not prove a justifiable motive therefor, will be shot.

Second. Every habitation not occupied will be burned by the troops.

Third. Every habitation over which does not float a white flag as a signal that its occupants desire peace, will be reduced to ashes.

Women that are not living at their own houses or at the house of their relatives, will collect near the town of Jiquani or Bayamo, where maintenance will be provided. Those who do not present themselves will be conducted forcibly.

This pronunciamiento called from Mr. Fish, the Secretary of State, the following remonstrance, addressed to Mr. Lopez Roberts, under date of May 10, 1869:

In the interests of Christian civilization and common humanity, I hope that this document is a forgery. If it be indeed genuine, the President instructs me in the most forcible manner to protest against such a mode of warfare.

One instance of a trial, and what the court-martial was expected to do, is found in the order of the captain-general consigning the president and members of the court to prison for two months, for too great clemency in sentencing a civilian to six years' hard labor in the chain-gang for seditious language:

Don José Domínguez, captain of Spanish infantry, was in the village of Vegueta in the jurisdiction of Colon. On September 27, 1870, he ordered a peaceable man to be shot because he suspected him to be an insurgent, and that as soon as he was executed his ears should be cut off and his tongue cut out. On the following morning he invited three of his friends, brother officers, to breakfast, and presented to them as a choice dish the ears and tongue of the insurgent, cooked! His friends were horrified, and reported it to the commanding officer. The cannibal was tried and condemned to death; but he was subsequently pardoned by special order of the King of Spain, who was thoroughly cognizant of the circumstances of the case, and restored him to his command.

The American people, Mr. President, cannot look upon the struggle in Cuba with indifference. On the one side it is a struggle for life, for liberty, for property; on the other, for subjugation, abject and complete. In their declaration promulgated at Manzanillo in October, 1868, the Cubans state the case thus:

In arming ourselves against the tyrannical government of Spain, we must, according to precedent in all civilized countries, proclaim before the world the cause that impels us to take this step, which, though likely to entail considerable disturbances upon the present, will insure the happiness of the future.

It is well known that Spain governs the island of Cuba with an iron and blood-stained hand. The former holds the latter, deprived of political, civil, and religious liberty. Hence the unfortunate Cubans being illegally prosecuted and thrown into exile or executed by military commissions in times of peace; hence their being kept from public meetings and forbidden to speak or write on affairs of state; hence their remonstrances against the evils that afflict them being looked upon as the proceedings of rebels, from the fact that they are bound to keep silence and obey; hence the never-ending plague of hungry officials from Spain to devour the product of their industry and labor; hence their exclusion from public stations and want of opportunity to skill themselves in the art of government; hence the restrictions to which public instruction with them is subjected, in order to keep them so ignorant as not to be able to know and enforce their rights in any shape or form whatever; hence the navy and standing army which are kept upon their country at an enormous expenditure from their own wealth to make them bend their knees and submit their necks to the iron yoke that disgraces them; hence the grinding taxation under which they labor and which would make them all perish in misery but for the marvelous fertility of their soil. On the other hand, Cuba cannot prosper as she ought to, because white immigration, that suits her best, is artfully kept from

her shores by the Spanish government. And as Spain has many a time promised us Cubans to respect our rights without having hitherto fulfilled her promises; as she continues to tax us heavily, and by so doing is likely to destroy our wealth; as we are in danger of losing our property, our lives, and our honor under further Spanish domination; as we have reached a depth of degradation utterly revolting to manhood; as great nations have sprung from revolt against a similar disgrace after exhausted pleadings for relief; as we despair of justice from Spain through reasoning, and cannot longer live deprived of the rights which other people enjoy, we are constrained to appeal to arms to assert our rights in the battle-field, cherishing the hope that our grievances will be a sufficient excuse for this last resort to redress them, and secure our future welfare.

To the God of our conscience and to all civilized nations we submit the sincerity of our purpose. Vengeance does not mislead us, nor is ambition our guide. We only want to be free, and see all men with us equally free as the Creator intended mankind to be. Our earnest belief is that all men are brethren. Hence our love of toleration, order, and justice in every respect. We desire the gradual abolition of slavery with indemnification; we admire universal suffrage, as it insures the sovereignty of the people; we demand a religious regard for the inalienable rights of man as the basis of freedom and national greatness.

For seven years, Mr. President, has this "appeal to arms" continued. Spain has exerted all her power to overcome the resistance to her despotic rule; but who can say that she is any nearer success than she was six years ago? Nay, is not success less probable now than it was when the war first began? I admit that the question is one of great delicacy and should be treated with due regard to a continuance of friendly relations with the Spanish government. But all things must eventually reach their end. It cannot be expected that the forbearance of the American Government is to continue forever, or that we shall confine our action in the future as in the past to mere diplomatic remonstrances. So far from it, I submit that the time has come for a policy having in view a speedy pacification of the island. That we should quietly regard a struggle almost within sight of our shores, characterized by a brutality worthy the most ferocious of the savage tribes of our own country, is little creditable to our humanity. It may be true that governments may have nothing to do with sentiment, but in this case the instincts of humanity unite with statesmanlike prudence in urging a course which will both tend to put a stop to the further prosecution of a bloody strife and to preserve peace between the two countries. So long as the war in Cuba continues peace with Spain is constantly menaced. No one knows how soon the country may be startled and shocked by a second Santiago de Cuba massacre; and so deeply impressed is the public mind with the danger of a repetition of that terrific butchery that the Government has found it necessary to keep a fleet of war vessels within easy reach of the Cuban coast at a cost of merely fitting out the fleet of \$6,000,000, occasioned by the manifest disregard by the Spaniards of our rights as a nation and their defiance of our Government.

No other government situated as we are, with all our sympathies pointing in one direction and our interests following the direction of our sympathies, could have exhibited to the world in the face of great persecution such a spectacle of forbearance. The question to be determined is as to the nature of the "new departure" to be adopted toward Cuba. I am not aware that to accord belligerent rights to the Cubans could be construed as an act of hostility to Spain, and this, unless indeed the policy of official remonstrance and delicate suggestion which experience has shown to be barren of practical results is to continue to mark our treatment of the subject, is the least that can be done. Recognition of Cuban independence would be far more in consonance with our own history as a nation and far more in accord with the genius and spirit of our Government. Expressions of sympathy for the success of the Spanish colonies of South America struggling to establish their liberty and independence were adopted by the House of Representatives in 1821, and in the following year recognition of their independence was voted with extraordinary unanimity by the same body. In urging this step on Congress President Monroe said:

In proposing this measure it is not contemplated to change thereby in the slightest manner our friendly relations with either of the parties, but to observe in all respects as heretofore, should the war be continued, the most perfect neutrality between them. Of this friendly disposition an assurance will be given to the government of Spain, to whom it is presumed it will be, as it ought to be, satisfactory. The measure is proposed under a thorough conviction that it is in strict accord with the law of nations; that it is just and right as to the parties, and that the United States owe it to their station and character in the world, as well as to their essential interests to adopt it.

In the debate on the resolution reported by the Committee on Foreign Relations in the House, in March, 1822, Mr. Poinsett said:

Sir, if ever there was an occasion that justified a revolution, that called upon the people to recur to first principles, and to seek relief from an abuse of power by an appeal to arms, this was one. The revolution of the Spanish colonies did not arise from a mere question of abstract right but from actual suffering and grievous oppression; from causes radical and certain though gradual in their operations, causes that would have inevitably produced a revolution without the violent crisis to which the mother country was exposed and which only accelerated that event. It was felt in their government, in the administration of justice, in their agriculture, in their commerce, and in their pursuit of happiness. Governed by viceroys responsible in name, but in fact as arbitrary as the King of Spain himself, who commanded not only the military governors and intendants of provinces but presided over the tribunals of justice. And let any one imagine what kind of government the miserable colonists must have enjoyed under European Spaniards vested with such powers and who had nothing to dread but an examination of their conduct before a tribunal two thousand leagues from the theater of their injustice. The colonist could not even enjoy the natural advantages by which he was surrounded.

This language, Mr. President, was uttered fifty-two years ago, and yet, sir, it is as applicable to the character of Spanish rule in Cuba to-day as it was when Spanish tyranny drove the South American colonies to take up arms to redress their grievances. While other nations

have learned to respect the aspirations of the subjects for a more enlarged freedom, Spain remains as imperious and blind in her tyranny as when she "lost Flanders through her cruelty." "We have now the right," said a member of the Cortes, in speaking of the treatment of the Cubans by Spain, "of being held up as the most inhuman people in all civilization." To me the establishment of a republic in Spain, while the effort is made to force upon the Cubans a government by means which provoke the abhorrence of all Christendom, has more the appearance of a solemn mockery than a reality. From having once been the most powerful nation of the earth, she has lost her provinces one by one through oppressive cruelty, and her statesmen of the present day appear to know no better instrument of government or effective means of challenging the confidence and affections of their distant subjects than the sword and blood, wielded and shed by rapacious generals and a brutal soldiery.

"The provinces belonging to this hemisphere are our neighbors," said Mr. Monroe, and we cannot avoid, if we would, feeling a deep solicitude in their welfare.

The suspension of our neutrality laws would soon end the contest in Cuba. Granting to the struggling Cubans belligerent rights would be a step toward the same end, while a recognition of their independence would as certainly be the means of insuring that independence as that effect follows cause. Chili and Peru have already extended that recognition, and I am persuaded that a similar act on the part of the American Government could not fail of carrying with it such moral force as to result in changing the character of the war waged by Spain and in restoring peace to the island.

Sooner or later, Mr. President, will one or the other of these lines of policy be adopted, and sooner or later will Spanish domination in the Gulf cease. Cuba may not in the life of the present generation become one of the States of the American Union, but that she will cease to be a dependency of Spain is inevitable. This catastrophe has been hastened by the course of the mother country in persistently denying to the Cubans "their inborn rights," and by subjecting their lives and property to the will of rulers whose rapacity, arrogance, and pride see in those who are not of Spanish blood only enemies to be plundered and in time to be imprisoned and slain.

These struggling people have established a government which appeals to us for recognition and sympathy, and for one I am prepared to take my share of responsibility for the consequences that may follow the acknowledgment of the fact. In the case of Texas, after the battle of San Jacinto and before peace had been made with Mexico, Mr. Webster said, "That if the people of Texas had established a government *de facto* it was undoubtedly the duty of this Government to acknowledge their independence." Of the million and a half of people inhabiting the island, it is estimated that thirteen-fifteenths are earnest sympathizers with the rebellion, while authentic information shows that the Cuban army numbers more men than General Washington was able to concentrate at any one point during the whole period of the revolutionary war. Of pure Spanish blood it is supposed that there are not exceeding one hundred thousand persons in Cuba, and it is from this class of the population that the "volunteers" are made up, and it is through them that Spain expects to continue her grasp upon the fairest gem of her West India possessions. To use the language of a Senator in urging the recognition of the South American governments:

Shall we as a nation stifle all our sympathies in favor of free government to gratify the vain-glorious pride of Spain? If we do, we shall betray the rights and interests of republics. Heaven, in giving freedom to us first, made it our primal eldest duty to go forth first and acknowledge it in others. Honor and duty call alike upon us to perform the rightful mission. The same Providence that gave us success in our revolutionary struggle is conducting the other nations of America through bloody wars to peace and independence. Our approbation may inspire them with fresh confidence and stimulate their love of liberty.

The commerce of the United States has been injuriously affected by the civil war which has existed in Cuba and because of the various impositions made upon it by the decrees of the captains-general when seeking to obtain the means to meet the extraordinary expenses made necessary thereby. The trade of the United States with Cuba amounts to about one hundred millions yearly. The State which I have the honor in part to represent has been deprived of a commerce which formerly furnished employment to many vessels and men and considerable capital. It was constantly growing and capable of extension. I allude to the exportation of live and cured fish to Cuba, a business which has been entirely destroyed by the repeal of the liberal system of free trade established in respect to vessels carrying fish to Havana by Captain-General Tacon, a man who although of an arbitrary character, acted upon a wise and enlightened policy in matters of trade.

If we had free trade with Cuba the ports of Florida would be found well situated for interchange of products of Florida and western products for those of Cuba. This mode of communication between Cuba and the West was formerly used to some extent, but the recent construction of railroads connecting the rivers and sea-ports of Florida with Louisville, Saint Louis, and Cincinnati has greatly increased the means of communication with the island and lessened the cost. The Gulf States could furnish Cuba with lumber, live stock, &c., and take from it many articles not now imported because of the restriction in trade on them imposed by the government of Cuba. The particular operation of these restrictions on our commerce and the amount of our consequent losses I will not undertake to specify; they are easily

ascertained by reference to the reports on the subject made to Congress by the Secretary of the Treasury. I allude to the subject only to show that our people suffer loss by the civil war in Cuba, and that they are sensible thereof, and for this and other more potent reasons desire that our Government should take proper and becoming action, such as will tend to restore peace and establish a liberal government in the island. That such is the public sentiment of Florida appears from the declarations made of them by the Legislature of the State; that the people have given expression to their sympathy with the Cuban patriots in the most emphatic and positive manner I am able to assert. What has tended forcibly to arouse feelings of interest in behalf of the Cubans and dislike of Spanish rule in Cuba has been the forced emigration to Florida of thousands of native Cubans who fled to the United States to escape from the cruel and arbitrary rule which exists in their native land. These people were cut off from their countrymen who are in arms against Spain and had no other refuge from death or imprisonment save in voluntary exile; with them came many faithful servants of the colored race, whose stories of the wrongs and injuries which are inflicted by the military tyrants who hold sway in Cuba are such that the colored citizens of Florida are specially affected thereby as well as by the continuance of African slavery in Cuba, and they are anxious that the United States should extend some aid to those who are fighting in Cuba to procure freedom for all its inhabitants without respect to race. So strong is this feeling among the colored citizens of Florida that thousands of them would gladly give their active assistance to the Cubans.

Could they do so without violating the laws of the country? At a recent period when hostilities with Spain seemed probable, large numbers of the colored citizens of Florida consorted together for the purpose of tendering their services to the Government to serve in any military force that should be sent to Cuba. The strongest military spirit was displayed among them, and they regret that the opportunity they coveted to aid their brethren in Cuba was lost to them. Should the occasion ever come when they can be employed in such manner I undertake to pledge that their services will be tendered by them with the greatest enthusiasm.

The Cubans who have made their homes in Florida are a peaceable, industrious, and law-abiding people; they have established branches of industry with which they were familiar, which increases the resources of our State and pays to the national Treasury a large sum of money annually, more than half of the receipts from all other sources of internal revenue in the State.

I have not confined myself strictly to the subject of the resolution which I have offered, because I feel that the safety of American citizens demands something more than a remedy confined in its operation to the redress of any particular injury to a citizen who travels to Cuba for business or pleasure, but that the true course for the Government to pursue is such a one as will secure him perfect protection in the future and render the constant repetition of the wrongs inflicted impossible. It is therefore relevant to speak of the conduct of the war in Cuba, its probable termination in favor of Cuban independence, and the reasons why we should extend such moral countenance and support to the cause with which we cannot but sympathize and as our duty as a neutral will permit.

Mr. EDMUNDS. I move that the resolution be referred to the Committee on Foreign Affairs.

The motion was 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 bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 700) granting a pension to the minor children of Michael Weisse, deceased;

A bill (H. R. No. 3254) to relieve E. L. Winder of his political disabilities;

A bill (H. R. No. 3408) to relieve the political disabilities of L. L. Lomax, of Virginia;

A bill (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities;

A bill (H. R. No. 554) for the relief of William I. Blackistone, of Saint Mary's County, Maryland;

A bill (H. R. No. 3023) for the relief of Andrew Mason;

A bill (H. R. No. 3027) to remove the political disabilities of A. S. Taylor, of Maryland;

A bill (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers; and

A bill (H. R. No. 3327) to provide for the improvement of the Oostenaule River, in the State of Georgia.

EXTENSION OF THE SESSION.

The message also announced that the House had passed a resolution to extend the present session of the Forty-third Congress to six o'clock p. m. to-day; in which the concurrence of the Senate was requested.

The Senate proceeded to consider the following resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That the President of the Senate and the Speaker of the House of Representatives shall be author-

ized to close the present session of Congress by adjourning their respective Houses on the 23d of June, 1874, at six o'clock p. m.

The resolution was agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business, and after two hours spent therein the doors were reopened.

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. 406) to allow the schooner Ocean Wave to take the name of Edith E. Wright, and be registered under that name.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873.

RECESS.

Mr. SHERMAN. I move that the Senate take a recess till a quarter after five o'clock.

The motion was agreed to; and (at four o'clock and twenty-five minutes p. m.) the Senate took a recess until a quarter after five o'clock, at which hour the Senate reassembled.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a resolution appointing Mr. HORACE MAYNARD of Tennessee, Mr. JEREMIAH M. WILSON of Indiana, and Mr. S. S. COX of New York, a committee on the part of the House of Representatives to join a committee of the Senate to wait upon the President of the United States and inform him that unless he have some further communication to make the two Houses of Congress are ready to close the session.

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. 921) to prevent the useless slaughter of buffaloes within the Territories of the United States;

A bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873;

A bill (H. R. No. 3352) to further provide for the sale of certain Indian lands in Kansas;

A bill (H. R. No. 3528) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale;

A bill (H. R. No. 2770) to amend the act entitled "An act to amend an act entitled 'An act to establish a court for the investigation of claims against the United States,'" approved August 6, 1856;

A bill (H. R. No. 3016) granting a pension to Ira Douthart;

A bill (H. R. No. 3098) to amend the act entitled "An act to reorganize the courts in the District of Columbia, and for other purposes," approved March 3, 1863;

A bill (H. R. No. 3534) to change the times of holding the circuit and district courts in the city of Evansville;

A bill (H. R. No. 3175) for the relief J. E. Ingalls, postmaster at Denmark, Lee County, Iowa;

A bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah;

A bill (H. R. No. 2198) for the relief of the heirs at law of William C. Brashear, an officer of the Texas navy;

A 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;

A bill (H. R. No. 3761) directing the Secretary of the Treasury to report upon the necessity of a public building at the city of Auburn, New York;

A bill (S. No. 633) for the relief of A. H. Von Luettwitz, late lieutenant in Third United States Cavalry;

A bill (S. No. 321) reorganizing the several staff corps of the Army;

A bill (S. No. 600) for the relief of Captain James B. Thompson;

A bill (S. No. 406) to allow the schooner Ocean Wave to take the name of Edith E. Wright, and be registered under that name; and

A bill (S. No. 775) to authorize the construction of a railroad bridge over the Willamette River at Portland, in the State of Oregon.

PRESIDENTIAL APPROVALS.

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

An act (S. No. 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;

An act (S. No. 252) to remove the disabilities of John Julius Guthrie;

An act (S. No. 169) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico and minister to the republic of Mexico;

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 numbered 8151;

An act (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;

An act (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia;

An act (S. No. 436) for the relief of Lieutenant John Shelton;

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. 683) to authorize the use of gilt letters for the names of vessels;

An act (S. No. 733) regulating gas-works;

An act (S. No. 794) to legalize the muster of Reuben Pratt as second lieutenant;

An act (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act;

An act (S. No. 875) for the relief of Thomas Hughes;

An act (S. No. 849) to prevent hazing at the Naval Academy;

An act (S. No. 854) extending the right of way heretofore granted to the Alleghany Valley Railroad Company through the arsenal grounds at Pittsburgh, Pennsylvania;

An act (S. No. 906) to relieve C. L. Stevenson, of Virginia, of his political disabilities; and

An act (S. No. 930) to authorize the Farmers' National Bank of Greensburg, Pennsylvania, to change its location and name.

EDUCATION REPORT.

Mr. ANTHONY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the resolution of the House to print extra copies of the Report of the Commissioner of Education for the year 1873, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the said resolution, and agree to the same.

H. B. ANTHONY,
T. O. HOWE,
ELI SAULSBURY,
Managers on the part of the Senate.
JAMES MONROE,
EPPA HUNTON,
Managers on the part of the House.

The report was concurred in.

HOSPITAL FOR WOMEN.

The PRESIDENT *pro tempore*. Under chapter 415 of the laws of 1872, in regard to the Columbia Hospital for Women and Lying-in Asylum, it is required that for this institution one Senator shall be appointed, and two Representatives by the Speaker of the House, the President of the Senate to appoint the Senator. Under this section the Chair appoints Senator SARGENT, of California.

NOTIFICATION TO THE PRESIDENT.

Mr. EDMUNDS. I move that the Senate take up the communication of the House on the subject of closing the session.

Mr. MORRILL, of Vermont. The chairman of the Committee on Agriculture desires that Senate bill No. 912, to annex certain land to reservation No. 2, occupied by the Department of Agriculture, be acted upon. It has been accidentally overlooked. I ask that it be taken up.

Mr. EDMUNDS. This will not interfere with that. This action does not prevent it at all.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to proceed to the consideration of the resolution of the House in regard to the close of the session. Is there objection? The Chair hears none, and the resolution will be reported.

The Chief Clerk read as follows:

Resolved, That a committee of three members of the House of Representatives be appointed to join such committee as may be appointed by the Senate to wait upon the President of the United States, and inform him that if he has no other communication to make the two Houses are ready to close the present session of Congress.

Mr. EDMUNDS. I move that the Senate concur in the resolution, and that the Chair appoint three members of the Senate to act in concurrence with the members of the House.

The motion was agreed to; and the President *pro tempore* appointed Mr. EDMUNDS, Mr. ANTHONY, and Mr. BAYARD as the committee on the part of the Senate.

JOHN FORSYTH.

Mr. GORDON. I move that the Senate proceed to the consideration of Senate bill No. 823; and I wish to substitute the House bill for it with the consent of the Committee on the Judiciary.

Mr. EDMUNDS. What is the bill of the Senator from Georgia?

Mr. GORDON. It is a bill to remove the political disabilities of John Forsyth, of Mobile, Alabama. The House passed a bill in the same words. I wish simply to substitute one for the other.

Mr. EDMUNDS. I believe that is all right, and the Senate ought to consider it.

Mr. CLAYTON. If there is any further legislation I ask the Chair to decide the point of order I raised before the recess.

The PRESIDENT *pro tempore*. What is the point of order?

Mr. CLAYTON. The point of order is that at the time the Senate proceeded to the consideration of executive business the Senate had under consideration House bill No. 2771. That bill was not postponed or laid aside. The Senate proceeded to the consideration of executive business, and I claim that that bill is now the unfinished business.

The PRESIDENT *pro tempore*. The Chair thinks that is so.

Mr. EDMUNDS. That being so, I think it in the interest of public—

Mr. CLAYTON. I should like to address the Chair on that subject if it is in order.

Mr. EDMUNDS. If the Senator will pardon me, here is a nomination we must act on within the next half hour. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

After five minutes spent in executive session the doors were reopened.

Mr. GORDON. I ask that the Forsyth bill be considered now.

There being no objection, the bill (H. R. No. 2702) to relieve John Forsyth, of Alabama, of political disabilities was considered as in Committee of the Whole.

Mr. EDMUNDS. I have no objection, but I wish to state so that it will be in the RECORD that we have considered this bill; this gentleman has put in his petition in the proper way, and he falls clearly within the class of cases for whom we make this removal of disabilities, and therefore it is right. The Senator from Georgia is the friend of this gentleman, and it is right to him that we should pass this House bill, because he does not stand on any other ground than the others.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds vote.

AGRICULTURAL DEPARTMENT.

Mr. MORRILL, of Vermont. I now move that the Senate proceed to the consideration of Senate bill No. 912.

The motion was agreed to; and the bill (S. No. 912) to annex certain lands to reservation No. 2, occupied by the Department of Agriculture, was considered as in Committee of the Whole. It enacts that the public ground which lies immediately north of reservation No. 2, now in the occupancy of the Department of Agriculture, made by the filling-up of the canal, be attached to and shall hereafter be a part of the said reservation No. 2, in the occupancy of the said Department of Agriculture.

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

J. SCOTT PAYNE.

Mr. CLAYTON. I should like to know what has become of the bill which was taken up on my motion.

The PRESIDENT *pro tempore*. The Senator's bill is pending.

Mr. CLAYTON. I ask action on the bill, as it is just and right.

The PRESIDENT *pro tempore*. If there be no objection the bill (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry, is before the Senate as in Committee of the Whole.

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

EXECUTIVE SESSION.

On motion of Mr. EDMUNDS, the Senate proceeded to the consideration of executive business. After four minutes spent in executive session the doors were reopened.

PUBLIC BUILDINGS COMMITTEE.

Mr. MORRILL, of Vermont. I move that the Committee on Public Buildings and Grounds have leave to sit during the recess.

The motion was agreed to.

FORT SEDGWICK RESERVATION.

Mr. HITCHCOCK. I move to take up the bill (S. No. 721) for the restoration of public lands in Fort Sedgwick reservation, in Colorado and Nebraska, to settlement and entry.

Mr. SHERMAN. That is too important to be acted on now.

Mr. HITCHCOCK. It is reported by the Committee on Military Affairs in accordance with the recommendation of the War Department, and it is simply to return the land to settlement by settlers. I am quite sure there ought to be no objection to the passage of the bill.

Mr. SHERMAN. Is it a military reservation?

Mr. HITCHCOCK. It has been.

Mr. SHERMAN. It might involve a very large amount. Suppose it was proposed to open the Fort Leavenworth reservation?

Mr. HITCHCOCK. I presume it would be difficult to obtain the indorsement of the Secretary of War to open the Fort Leavenworth reservation.

Mr. SHERMAN. Does this bill provide that the land should be sold at public outcry?

Mr. HITCHCOCK. That it shall be open to settlement and entry. The land lies over five hundred miles west of Omaha, on the western border of our State.

Mr. SHERMAN. But it might be worth more than \$1.25 an acre.

Mr. HITCHCOCK. I think not.

Mr. SHERMAN. It is for the Senate to say whether we ought to open a military reservation, which has been reserved, to ordinary pre-emption and homestead settlement. It is really giving away reserved land.

Mr. HITCHCOCK. It is giving it to citizens of the United States. The Senator himself can go out there and pre-empt if he chooses.

Mr. SHERMAN. But I think if I should go out and pre-empt land reserved by the Government of the United States I would get an advantage over other citizens.

Mr. HITCHCOCK. The advantage is open to all.

Mr. SHERMAN. I have no objection to the bill being read that we may know what it is, but we ought not to act on anything now but matters of minor moment.

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

The Chief Clerk read the bill.

Mr. SHERMAN. I object to it unless the land is to be sold in the ordinary way.

The PRESIDENT *pro tempore*. The Chair will put the question on proceeding to the consideration of the bill.

The motion was not agreed to.

COINAGE OF TWENTY-CENT PIECES.

Mr. SARGENT. Senate bill No. 468, authorizing the coinage of twenty-cent pieces of silver at the mints of the United States, is reported favorably by the Committee on Finance, and I ask that it may be considered.

There being no objection, the bill (S. No. 468) authorizing the coinage of a twenty-cent piece of silver at the mints of the United States was considered as in Committee of the Whole.

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

JAMES L. PUGH.

Mr. GOLDTHWAITE. I move that the Senate proceed to the consideration of Senate bill No. 781.

The motion was agreed to; and the bill (S. No. 781) for the relief of James M. Pugh, was considered as in Committee of the Whole.

The Committee on the Judiciary propose to amend the bill by striking out "M" and inserting "L."

The amendment was agreed to.

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

DENVER AND RIO GRANDE RAILWAY.

Mr. SCOTT. I ask the Senate to consider no more harmless a bill than to correct a clerical error in a former act, Senate bill 867.

The motion was agreed to; and the bill (S. No. 867) to correct a clerical error in the act granting the right of way through the public lands to the Denver and Rio Grande Railway Company, approved June 8, 1872, was considered as in Committee of the Whole.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPIERSON, 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 resolution of the House to print extra copies of the report of the Commissioner of Education for the year 1873.

The message also announced that the Speaker of the House had appointed Mr. EBENEZER ROCKWOOD HOAR, of Massachusetts, and Mr. ALEXANDER MITCHELL, of Wisconsin, members on the part of the House 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.

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. 3604) to establish certain post-routes;

A bill (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry; and

A bill (H. R. No. 2702) to relieve John Forsyth, of Alabama, of political disabilities.

SHOSHONE INDIANS.

Mr. BUCKINGHAM. I ask the Senate to consider House bill No. 2104. It is like Senate bill No. 604, which has been recommended by the Committee on Indian Affairs.

The Chief Clerk read the title of the bill, as follows:

A bill to confirm an agreement made with the Shoshone Indians (Eastern band) for the purchase of the south part of their reservation in Wyoming Territory.

Mr. ROBERTSON. Has that bill ever been reported by the Senate committee?

Mr. BUCKINGHAM. A bill precisely like that has been reported by the Committee on Indian Affairs and is on the Calendar as a Senate bill. This House bill on the same subject passed in the House, and I am authorized now to report that for action.

There being no objection, the bill was considered as in Committee of the Whole.

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

EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

POSTAL-CAR SERVICE.

Mr. MITCHELL. I was directed yesterday by the Committee on Transportation Routes—

Mr. SPENCER. Will the Senator yield to me for a moment?

Mr. MITCHELL. Not now.

Mr. SPENCER. Only for a second.

Mr. MITCHELL. Yesterday I was instructed by the Committee on Transportation Routes to the Sea-board to submit a resolution, which was laid on the table. I ask its present consideration.

The resolution was read, as follows:

Resolved, That the Select Committee on Transportation Routes to the Sea-board be authorized to prepare and report to the next session of Congress a bill providing for compensation for postal-car service, and for that purpose such committee is authorized to sit at Washington city during the recess of Congress and to make such further investigations as they may deem proper, and to employ a clerk; and that the actual and necessary expenses be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to consider the resolution?

Mr. CLAYTON. Can that be considered without lying over one day?

The PRESIDENT *pro tempore*. It was reported yesterday and laid over under the rule. It is in order now to proceed to its consideration.

Mr. CLAYTON. I want to speak on that.

Mr. MITCHELL. It does not provide for a roving commission.

Mr. CLAYTON. During the afternoon a resolution introduced by the Committee on Territories was considered which I think is as important as this resolution. The information asked for there it seems to me can be obtained of one of the Departments of this Government, and I do not see why this committee should sit for this purpose any more than any other.

Mr. STEWART. Will not the Senator allow me to offer a resolution?

Mr. CLAYTON. I yield for that purpose.

Mr. SPENCER. Mr. President—

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

Mr. CLAYTON. Temporarily.

Mr. SPENCER. I ask the Senate to reconsider the vote by which the disabilities of John Forsyth of Alabama were removed to-day.

Mr. GORDON. Allow me to interrupt the Senator. I hope he will state his reasons for the reconsideration.

Mr. SPENCER. I objected to that bill. I believe in the courtesy of the Senate. The Senator from Georgia very well knew that I objected to the passage of the bill, and it passed by a *viva voce* vote, when the Constitution of the United States requires that two-thirds of all the Senators present shall vote to relieve the disabilities of any man. Mr. Forsyth has invited the assassination of republicans because they believed in republican principles in the South, and he is a man who has been a violent rebel. I have been as liberal to those who have been rebels as anybody in the Senate of the United States, and am willing to be so in the future; but I insist that the motion to reconsider shall be entered, and that the Senate reconsider this bill, and that a ye and nay vote be taken on that motion to reconsider.

The PRESIDENT *pro tempore*. The Chair will inform the Senator that the bill has been enrolled and sent to the President, and it is past the power of a motion to reconsider.

Mr. STEWART. I submit the following resolution—

Mr. MITCHELL. I believe the question was as to whether the Senate would proceed to the consideration of the resolution reported by me yesterday.

The PRESIDENT *pro tempore*. The Senator from Oregon is correct. The question is on the motion of the Senator from Oregon to proceed to the consideration of the resolution indicated by him.

The motion was not agreed to.

CLERK OF A COMMITTEE.

Mr. STEWART. I offer the following resolution:

Resolved, That the clerk of the Joint Committee on District Affairs be, and is hereby, included in the resolution heretofore adopted allowing pay to committee clerks until July 10, 1874.

He has earned it, and has done a good deal more work than the others.

Mr. MORRILL, of Maine. I object to that resolution.

Mr. STEWART. I will state what it is.

Mr. MORRILL, of Maine. Let it be read again.

Mr. STEWART. It is to pay the clerk of our investigating committee the same as the other clerks up to the 10th of July.

Mr. MORRILL, of Maine. Is that all?

Mr. STEWART. That is all.

Mr. MORRILL, of Maine. I have no objection.

The resolution was agreed to.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. EDMUNDS. The committee appointed to wait on the President of the United States and inform him that the two Houses of Congress had concluded the business of the session and were ready to adjourn, have the honor to report that they have visited the President of the United States, who has informed them that he has concluded the duties that devolve upon him in respect to this session, and has no communication to make to the two Houses. I therefore move, Mr. President, that the Senate adjourn without day.

Mr. SARGENT. We had better wait until six o'clock.

Mr. EDMUNDS. Very well. I withdraw the motion.

THE GREENE STATUE.

The PRESIDENT *pro tempore*. Under the miscellaneous appropriation bill which authorizes the President of the Senate to appoint a commissioner in regard to the statue of General Nathanael Greene the Chair appoints the Senator from Vermont, Mr. MORRILL.

BILL POSTPONED.

Mr. BUCKINGHAM. I ask the indefinite postponement of the bill (S. No. 604) to confirm an agreement made with the Shoshone Indians (Eastern band) for the purchase of the south part of their reservation in Wyoming Territory, which is just like the House bill that we have passed.

The motion was agreed to, and the bill was indefinitely postponed.

ASBURY DICKINS.

Mr. ANTHONY. Now there are two or three minutes left of this session, and let us close it by an act of grace to the representatives of an old and faithful servant of this body. I hope the Senator from Wisconsin will withdraw his motion to reconsider the bill for the relief of Asbury Dickins.

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin withdraw?

Mr. HOWE. Mr. President, I have not withdrawn, and I do not know of any reason why I should.

Mr. ANTHONY. Because I ask you to.

Mr. HOWE. I will take that into consideration, and I will inform my friend at the next meeting.

Mr. SARGENT. Would it be in order to call it up and move to lay it on the table?

The PRESIDENT *pro tempore*. The Senator can move to proceed to the consideration of it.

Mr. SARGENT. I do move it.

The PRESIDENT *pro tempore*. The Senator from California moves to proceed to the consideration of the motion to reconsider the vote on the bill for the relief of the heirs of Asbury Dickins.

Mr. EDMUNDS. Mr. President—

Mr. SARGENT. If the Senator desires to debate it I will withdraw the motion.

Mr. EDMUNDS. No; I am ready to hear the Senator from California on the propriety of taking up this bill.

Mr. SARGENT. We have so little time to take it up, provided there is the slightest objection—

Mr. EDMUNDS. I shall be glad to hear the Senator.

Mr. SARGENT. It was debated at great length, and I think the Senator must have been convinced by debate. As the Senator from Rhode Island says, it is an act of grace to pass it. We cannot do better during the closing minutes of the session, and I hope the vote may be taken at once.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by McPHERSON, its Clerk, announced that the House had passed the bill (S. No. 781) for the relief of James L. Pugh.

FINAL ADJOURNMENT.

The PRESIDENT *pro tempore*, (at six o'clock p. m.) Senators, I should do great injustice to my own feelings if I did not return to you my heartfelt thanks for your kindness at the present session.

It is remarkable that the more we see of the Constitution of the United States and the more familiar we become with it in practice, the more we admire the wisdom of its provisions. I have since presiding here by your favor at this session, come to esteem as I never did before the wisdom of that provision which separates the Presiding Officer from the members of the body. He who occupies this chair, the duties of which are so nearly judicial, ought not to be a Senator, for as a Senator he must more or less participate in debate and take more or less interest in the questions which are pending here; and, if not suspected by others of partiality toward those questions in which he takes an interest, he must, if he be a right-minded man, suspect himself of partiality, and it may be, in endeavoring to avoid that, lean too far the other way.

I thank you again, gentlemen, for your courtesy, your kindness, the patience with which you have borne the errors which were necessarily the result of my inexperience as a presiding officer; and hoping that you will in safety reach your homes and there meet an approving constituency, that we shall meet here again in December in health and prosperity, and returning to the corps of clerks before me my thanks for their co-operation in performing the duties of the Chair, I now proceed to execute the order of the two Houses of Congress, and declare that the Senate of the United States is adjourned *sine die*.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 23, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

Mr. MAYNARD. I move to dispense with the reading of the Journal of yesterday.

Mr. SPEER. I object.

The SPEAKER. Never since the beginning of Congress has the Journal been demanded to be read under like circumstances.

Mr. MAYNARD. I move to suspend the rules to dispense with the reading of the Journal.

The rules were suspended, (two-thirds voting in favor thereof,) and the reading of the Journal was dispensed with.

ENROLLED BILL.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled 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; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875.

HYACINTHE DE ST. CYR.

On motion of Mr. GIDDINGS, by unanimous consent, leave was granted for the withdrawal from the files of the Committee on War Claims of the papers in the case of Hyacinthe de St. Cyr; no adverse report having been made thereon.

J. B. CHAPMAN.

On motion of Mr. RAINEY, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of J. B. Chapman, which had been favorably reported on from the Committee on Indian Affairs.

ED. T. PRESTON.

On motion of Mr. HUNTON, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Ed. T. Preston.

BRACKEN & HINES.

On motion of Mr. HAVENS, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Bracken & Hines.

BREVET BRIGADIER-GENERAL J. M. ROBERTSON.

On motion of Mr. NESMITH, by unanimous consent, leave was granted for the withdrawal from the files of the House of the private papers in the case of Brevet Brigadier-General J. M. Robertson, no adverse report having been made thereon.

ROBERT TILLSON & CO.

Mr. KNAPP. I move, by unanimous consent, that leave be granted for the withdrawal from the files of the House of the papers in the case of Robert Tillson & Co.

Mr. LAWRENCE. I object to the withdrawal of those papers.

PETER J. KNAPP.

On motion of Mr. MCCRARY, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in relation to the bill for the relief of Peter J. Knapp, no adverse report having been made thereon.

CLARA MORRIS.

On motion of Mr. ARTHUR, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Clara Morris; no adverse report having been made thereon.

MRS. WOLF.

On motion of Mr. SWANN, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Mrs. Wolf, which were referred to the Committee on War Claims, no adverse report having been made thereon.

MISS ANNA ELLA CARROLL.

On motion of Mr. MAYNARD, by unanimous consent, leave was

granted for the withdrawal from the files of the House of the papers in the case of Miss Anna Ella Carroll, now before the Committee on War Claims, no adverse report having been made thereon.

CHARLES COSBY.

On motion of Mr. READ, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Charles Cosby, no adverse report having been made thereon.

MARTIN KALBFLEISCH & SONS.

On motion of Mr. WILLARD, of Vermont, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Martin Kalbfleisch & Sons, a bill in their behalf having passed both Houses of Congress.

CAPTAIN JOHN DAVIS.

On motion of Mr. TOWNSEND, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers pertaining to the claim of administration of the affairs of Captain John Davis, a soldier of the Revolution.

LAWSON & BRENIS.

On motion of Mr. HERNDON, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Lawson & Brenis, now before the Committee on War Claims, no adverse report having been made thereon.

LEAVE TO PRINT.

Mr. COOK, by unanimous consent, was granted leave to print in the RECORD, as part of the debates, some remarks he had prepared on the subject of war claims. (See Appendix.)

SAGG FORT, TENNESSEE.

Mr. BUTLER, of Massachusetts. I move, by unanimous consent, that leave be granted for the withdrawal from the files of the House of the papers in the case of Sagg Fort.

Mr. LAWRENCE. I object to that, as there has been an adverse report in that case.

The SPEAKER. The Clerks are instructed not to allow the withdrawal of papers from the files where there has been an adverse report, but where any gentleman of the House knows the fact it is better to state it.

Mr. RANDALL. It is the understanding, I suppose, that copies in all these cases are left on file.

Mr. HAWLEY, of Illinois. I should like to ask a question. When these papers are withdrawn is the correspondence with the Departments, and other public papers in reference to the claim, also withdrawn at the same time?

The SPEAKER. Nothing is withdrawn by the parties but what they themselves have filed.

Mr. HAWLEY, of Illinois. Then I am to understand they do not withdraw all the papers.

The SPEAKER. No; only those which they themselves have filed.

ROBERT TANSILL AND MARCELLUS CHRISTIAN.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 3780) to relieve the political disabilities of Robert Tansill, of Prince William County, Virginia; which was read a first and second time.

Mr. MORRISON. I move to include in that bill also the name of Marcellus Christian.

The amendment was adopted.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

The title was amended so as to include the name of Marcellus Christian.

Mr. BUTLER, of Massachusetts, 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.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARFIELD. In view of the fact that we have just received notification from the Senate of the adoption by that body of the report of the committee of conference on the sundry civil appropriation bill, I hope the gentleman from Indiana [Mr. TYNER] will consent to postpone the post-office appropriation bill for the present so that we may take up the sundry civil appropriation bill, as it will require more time for its engrossment.

Mr. TYNER. I do not object to that.

DIRECT TAXES.

Mr. DAWES. I ask both of these gentlemen to give way to me for a moment. There is a bill on the Speaker's table from the Senate, an act (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of an act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act. The same bill was attached to the tariff bill; it has passed both Houses of Congress. Now, in consequence of

the postponement of the tariff bill until December next, I ask that this bill be taken up and passed.

There was no objection.

The bill, which was read, provides that the time allowed by the first section of the act approved June 8, 1872, be extended for the term of two years from the 1st of June, 1874. The second section provides that the operation of the fourth section of said act be suspended until the expiration of the said term of two years from the said 1st day of June, 1874.

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

Mr. DAWES 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.

PERSONAL EXPLANATION.

Mr. YOUNG, of Georgia. Mr. Speaker, I notice in the RECORD of June 2, during my absence from the House, that my colleague [Mr. Cook] stated that if I were present I should vote in favor of the bill then under consideration, which provides that every female citizen of the United States otherwise qualified shall be admitted to practice as attorney and counselor at law in the several courts of the United States. I have ever been opposed to that measure, and my colleague ought to have known it. If present I should have opposed it.

MARCUS OTTERBOURG.

Mr. COX. I ask unanimous consent to take from the Speaker's table and put upon its passage the bill (S. No. 994) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico and minister to the republic of Mexico.

This is a bill to pay our ex-minister to Mexico who never received a cent simply because he could not find a proper officer to swear before, and the bill has been informally considered by the Committee on Foreign Affairs of the House, and has their approval.

The bill was read. It directs the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay to Marcus Otterbourg, late consul of the United States at the city of Mexico, and having been designated minister plenipotentiary to the republic of Mexico, in full compensation for his services as minister to Mexico from June 21 until September, 1867, both inclusive.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. COX. I ask that by unanimous consent the report on this case made to the Senate by Mr. Sumner be printed in the CONGRESSIONAL RECORD.

There was no objection, and it was so ordered.

[The report of the Committee on Foreign Relations of the Senate is as follows:

Mr. Marcus Otterbourg was appointed consul of the United States at the city of Mexico in August, 1861. In July, 1865, he tendered his resignation, assigning as a reason that his salary, by law fixed at \$1,000 per annum, was inadequate to permit him to represent the country creditably. His resignation was accepted by Mr. Hunter, acting Secretary of State, with the request that he would continue to hold the office until the arrival of a successor at his post of duty.

Of subsequent facts of importance in this case Mr. Seward, then Secretary of State, made the following official statement, dated February 23, 1869:

Mr. Otterbourg returned to the United States. In March, 1866, he went back to Mexico, as consul, and to take charge of the archives of the legation, Mr. William H. Corwin, acting chargé d'affaires, having been recalled. He reported himself as having arrived at Mexico on the 8th day of April, 1866, and as being occupied in verifying the inventory of archives and other property of the legation, which was finally completed, and he put in charge thereof by Mr. Corwin, in pursuance of the instructions of the State Department, on the 20th day of the same month. He was thenceforward recognized as a consular officer, performing, and authorized to perform, diplomatic functions, so far as such were necessary and practicable in the exceptional condition of Mexico and of the relations of this government to the usurping government of Prince Maximilian, in actual possession of the capital, and to the rightful government of President Juarez, which was generally remote therefrom and migratory with the vicissitudes of war.

Mr. Otterbourg kept the Department informed of the political situation in Mexico. His dispatches, not concerning his commercial functions as consul, but those of a political agent, were classified and preserved among the diplomatic archives. In October, 1866, Mr. Otterbourg again returned to Washington, with the approval of the Department, and was directed to make a confidential report on the situation in Mexico at that time. He was furnished with a copy of the instructions to Lewis D. Campbell, who had been appointed minister to Mexico, with whom, on his return, he was directed to communicate.

He proceeded to Mexico and made a report, which he delivered to our minister on his arrival at Vera Cruz. During the whole period, from April, 1866, to June 21, 1867, during which Mr. Otterbourg was consul, and in charge of the legation as aforesaid, there was not in that country any other officer of the United States authorized to perform diplomatic functions therein, except, or otherwise, than that Lewis D. Campbell, a duly commissioned minister, was for a day or two upon its coast, or in the harbor of Vera Cruz, whence he returned without proceeding to the interior, or putting himself in communication with the government of Mexico, except when, in April, 1867, he addressed, from New Orleans, a letter to the Mexican secretary for foreign affairs, requesting humane treatment for Maximilian in case of his capture.

In response to interrogatories for the United States: The United States had at no time a representative accredited to the government of Prince Maximilian. We had no other minister appointed to the government of Mexico during the time for which Mr. Otterbourg claims compensation, and who accepted, or made any attempt to proceed upon his mission, except Lewis D. Campbell, of whom I have before spoken, and no one who, during that period, presented his letters of credence. The office for which Mr. Otterbourg claims salary was not occupied by any other person. During the whole period of the occupation of Mexico by Prince Maximilian, Congress made the usual annual appropriation for a minister to Mexico, with no other variation than that, in the act making appropriations for the consular and diplomatic service for the year ending June 30, 1866, the words "Republic of Mexico" were substituted for Mexico, the same language being repeated in subsequent acts. This Government never recognized the government of Maximilian, in the

sense of acknowledging or treating with it. We knew it only as an awkward political fact, or rather political pretension, supported by force and foreign intervention.

WILLIAM H. SEWARD.

On June 21, 1867, Mr. Otterbourg was nominated by the President minister plenipotentiary and envoy extraordinary of the United States to the republic of Mexico. The Senate adjourned on July 21, 1867, without having confirmed the nomination of Mr. Otterbourg; but he continued to discharge the duties of minister plenipotentiary until August 23, 1867, when he received the notification of the lapse of his commission in consequence of the adjournment of the Senate as above. Mr. Otterbourg thereupon returned to the United States and reported at the State Department November 1, 1867, leaving the consulate in the charge of a competent person.

Having presented his account for his services, it was certified by the Fifth Auditor, as for consul in charge of legation, from April 8, 1866, to June 20, 1867, at the rate of \$2,800 per annum; and for minister from June 21 to September 30, 1867, at the rate of \$12,000 per annum. The First Comptroller, however, deducted all allowance to him as consul in charge of legation and as minister, but admitted and certified the salary of consul.

The case was taken to the Court of Claims, where judgment was rendered for \$65.80 for exercising diplomatic functions from the 19th of August to the 9th of September, 1867, in addition to a further sum due for his services as consul. The court refused to allow salary as minister on the technical objection that Mr. Otterbourg took his oath of office before the consul general of Switzerland, whose authority for that purpose does not appear. There was, however, no one else before whom he could have taken the oath unless he had returned to Washington for that purpose; and furthermore the Department of State regarded him as minister, and promised him compensation as such.

In accordance with the above statements the committee report a bill giving compensation to Mr. Otterbourg as consul performing diplomatic functions from April 8, 1866, until June 20, 1867, both inclusive; and as minister from June 21 to September 30, 1867, deducting what he has received as consul, and the sum of \$65.80 awarded him by the Court of Claims for exercising diplomatic functions from the 19th of August to the 9th of September, 1867.]

COMMITTEE ON BANKING AND CURRENCY.

Mr. MAYNARD. I ask on behalf of the Committee on Banking and Currency that they be allowed to have printed for their own use the testimony in two investigations they are making in reference to the Ocean National Bank of New York and in reference to the Bureau of Printing and Engraving.

Mr. RANDALL. For the use of the committee?

Mr. MAYNARD. Certainly.

There was no objection, and leave was granted.

PUBLIC BUILDING AT JEFFERSON CITY, MISSOURI.

Mr. CRITTENDEN. I ask unanimous consent to introduce a bill directing inquiry to be made into the necessity of erecting a public building at Jefferson City, Missouri.

Mr. BURCHARD. I object, and call for the regular order.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARFIELD. I present the report of the committee of conference on the sundry civil appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government 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 their amendments numbered 7, 14, 15, 20, 32, 39, 44, 46, 49, 50, 51, 52, 54, 59, 70, 80, 84, 86, 89, 96, 101, 102, 103, 104, 106, 114, and 121.

That the House recede from their disagreement to the amendments of the Senate numbered 3, 26, 27, 34, 38, 40, 43, 47, 48, 53, 55, 60, 64, 66, 73, 78, 83, 85, 88, 90, 91, 92, 93, 98, 100, 105, 107, 108, 109, 110, 112, 115, 117, and 118, and agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out after the word "clerks" in line 3 of said amendment all down to the end of line 4, and strike out "sixteen thousand one" and insert in lieu thereof "thirteen thousand seven;" and the Senate agree to the same.

That the House recede from their amendments to the amendments of the Senate numbered 9, 10, and 81, and agree to the same.

That the Senate recede from their disagreement to the amendments of the House to the amendment numbered 13, and agree to the same with an amendment as follows: After the word "necessary" in line 4 of said House amendment add the following: "for the folding-room of the House;" and the House agree to the same.

That the House recede from their disagreement to the amendment numbered 16, and agree to the same with an amendment as follows: Add at the end of said amendment the words:

"Provided, That the same shall be erected under a contract, the amount to be paid under which shall not exceed \$40,000."

And the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 17, and agree to the same with an amendment striking out the word "fifteen" and inserting in lieu thereof the word "ten;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 22, and agree to the same with an amendment as follows: After the word "five" in line 9 of said amendment add the words "and for temporary clerks in the Treasury Department, \$40,000; and strike out the word 'this,' at the end of the line, and insert the word 'these,' and add to the word 'amount,' at the beginning of line 10, the letter 's,' and at the end of said amendment add the following: "and so much as may be necessary to enable the Secretary of the Treasury to carry into effect the joint resolution for the relief of certain clerks and employés of the United States, approved June 22, 1874, is hereby appropriated;" and the House agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendments numbered 28 and 76, and agree to the same.

That the House recede from their disagreement to the amendment numbered 35, and agree to the same with an amendment as follows: Strike out the word "eighty" and insert in lieu thereof the word "sixty;" and the Senate agree to the same.

That the Senate recede from their disagreement to the amendment of the House to the amendment numbered 45, and agree to the same.

That the House recede from their disagreement to the amendment numbered 62, and agree to the same with an amendment substituting the word "Never sink" for the word proposed to be inserted; and the Senate agree to the same.

That the Senate recede from their amendment numbered 63, with an amendment substituting for the word "Never sink" in line 8, page 37 of the bill, the word "Never sink;" and the House agree to the same.

That the House recede from their amendment to the amendment numbered 77, and agree to the same.

That the House recede from their amendment to the amendment numbered 79, and agree to the same.

That the House recede from their disagreement to the amendment numbered 87, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "available" in line 5 of said amendment; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 94, and agree to the same with an amendment as follows: Strike out the words "one hundred" and insert in lieu thereof the word "fifty;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 95, and agree to the same with an amendment as follows: Strike out of said amendment all after the word "for" in line 21 down to and including the word "enlarge" in line 3, and substitute the word "of" in lieu of "for" in same line, and strike out the words "and perfect the central building" in line 4, and strike off the letter "s" from the word "accommodations" in line 3; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 99, and agree to the same with an amendment as follows:

Insert in lieu of the proposed words the following as a substitute:
"Provided, That the said building may be built of stone, and its cost, exclusive of the cost of site, shall not exceed \$200,000."

And the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 111, and agree to the same with an amendment as follows: Add at the end of the amendment the words "which shall be the entire cost of said building;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 97, and agree to the same with an amendment as follows: Strike out in line 6 of the amendment the word "the" and insert in lieu thereof the word "such," and strike out lines 7, 8, 9, and 10, of the amendment, and insert in lieu thereof the following: "As the Secretary of the Navy may deem necessary for the public service."

That the House recede from their disagreement to the amendment numbered 113, and agree to the same with an amendment as follows: After the word "restrictions," in line 6 of said amendment, insert the words "as to materials;" and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 116, and agree to the same with an amendment as follows: Strike out the word "five," in line 3 of said amendment; and the Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 119, and the Senate recede from that portion of their amendment which proposes to insert new matter; and the House and Senate agree to the same.

That the House recede from their disagreement to the amendment numbered 120, and agree to the same with an amendment as follows: Strike out the word "five," in line 10 of said amendment, and insert in lieu thereof the word "four;" and the Senate agree to the same.

JAMES A. GARFIELD,
EUGENE HALE,
WILLIAM E. NIBLACK,
Managers on the part of the House.
LOT M. MORRILL,
A. A. SARGENT,
J. W. STEVENSON,
Managers on the part of the Senate.

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 concurrent resolution, in which the concurrence of the House was requested, authorizing the Joint Committee on Public Printing to sit during the coming recess of Congress.

The message further announced that the Senate had adopted a resolution, in which the concurrence of the House was requested, authorizing the Committees on Appropriations of the two Houses of Congress to meet at the Capitol during the recess of Congress to make inquiry into and report any method by which reforms may be made in the expenditures in the several branches of the civil service and the estimates of appropriations therefor and the appropriation bills.

The message further announced that the Senate had concurred in the resolution of the House for the printing of the report of R. W. Raymond on mining statistics, with an amendment; in which the concurrence of the House was requested.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

The bill (H. R. No. 1305) granting a pension to E. Caroline Webster, widow of Lucius H. Webster;

The bill (H. R. No. 3432) to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction;

The bill (H. R. No. 2349) for the relief of Burke and Kunkel;

The bill (H. R. No. 2088) for the relief of James Lillie, postmaster at Lisbonville, Ray County, Missouri;

The bill (H. R. No. 3411) to amend an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown, and the Washington City Orphan Asylum, in the District of Columbia," approved May 24, 1828;

The bill (H. R. No. 1939) for the relief of the trustees of James L. Collins, deceased;

The bill (H. R. No. 2187) authorizing and requiring the issuance of a patent of certain lands to the county of Scott, in the State of Missouri;

The bill (H. R. No. 2990) for the relief of Jesse F. Moore and Charles W. Lewis;

The bill (H. R. No. 1410) to fix the salaries of the clerks at the United States Armory, in Springfield, Massachusetts;

The bill (H. R. No. 294) for the relief of Joab Bagley; and

The bill (H. R. No. 2891) for the relief of Mrs. Louisa Eldis, of Sandusky, Ohio.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

The bill (H. R. No. 104) for the relief of James Coats, of Jackson, Mississippi; and

The bill (H. R. No. 3088) to extend the time for completing the entries of the Osage Indian lands in Kansas.

The message further announced that the Senate had passed a bill (S. No. 862) granting a pension to Margaret S. Hastings; in which the concurrence of the House was requested.

Mr. GARFIELD. Unless some gentleman desires to ask some question, I will call the previous question on the report.

Mr. KENDALL. I desire to ask the gentleman what has been done with the Senate amendment No. 116, in regard to the Carson mint in Nevada.

Mr. HALE, of Maine. That is in.

Mr. BUTLER, of Massachusetts. I desire to ask the gentleman from Ohio a single question in regard to this civil-service matter. Will the gentleman state what is the condition of the amendment in relation to that?

Mr. GARFIELD. The exact condition of the civil-service question is this: the Senate appropriated the usual sum of \$15,000, together with the unexpended balance; the House repealed the law authorizing the civil-service commission altogether. There being a difference between the two Houses, the committee of conference agreed to drop the subject out of the bill, and it is not included in it in any way.

Mr. BUTLER. How about the unexpended balance?

Mr. GARFIELD. On the 1st day of July all the unexpended balances for all purposes, except in some cases in which exceptions were made, will be covered into the Treasury.

Mr. BUTLER, of Massachusetts. Well, that is all right; civil-service reform has died instead of being killed.

The report of the committee of conference was agreed to.

Mr. GARFIELD moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I desire to say in reference to the bill that the committee cut down the total amount appropriated by the bill about \$950,000. At some period during the session I propose to make a statement of what has been done with the appropriation bills.

POST-OFFICE APPROPRIATION BILL.

The House then resumed the consideration of the report of the committee of conference on the post-office appropriation bill.

Mr. TYNER. I desire to yield to my colleague on the conference committee from Illinois, [Mr. MARSHALL.]

Mr. BUTLER, of Massachusetts. I wish to offer a resolution in relation to the employment of soldiers in the Executive Departments, to which I think there will be no objection.

Mr. MARSHALL. I prefer to go on with my remarks now.

The SPEAKER. The Chair will recognize the gentleman from Massachusetts later on in the day.

Mr. MARSHALL. Mr. Speaker, there is no such thing as perfect legislation upon earth. All legislation is the result of compromise. Mankind is fallible, and all the work of men partakes of their fallibility. The House and the Senate here at the end of the session have found themselves radically differing on some matters of legislation on the post-office appropriation bill. Conference committees have been appointed. Conference committees are only appointed for the purpose, if possible, of bringing the two Houses together on matters on which they differ. If either House insists upon its position, standing on its own position and will not move, the adjustment of differences by this means is impossible.

If any gentleman asks me if I think the bill now reported by the conference committee is a perfect bill, I must answer most emphatically no. I think we ought to have better legislation than this furnishes for the protection of the Government against rings organized to plunder the Government in the contracts let for carrying the mails. But the Senate, governed doubtless by an honest purpose to correct these evils, differs with us as to the means to secure the end. But even if it were possible for Congress to pass a perfect law, unfortunately no law can execute itself. We are still compelled to rely to a great extent upon the efficiency and integrity of the Executive Departments of the Government. It is not to be assumed, at least there ought to be no cause even for suspicion, that the head of a great Department of the Government would at any time enter into collusion with organized plunderers to rob the Treasury. Be this as it may we all know that there is no possible means of protecting the Treasury against raids made under the direction or connivance of corrupt or incapable public officials. We must perform our duty, and if the President and his appointees fail in theirs we cannot be justly blamed therefor.

In reference to this mail service it is known that in regard to large contracts none but capitalists, or those who are able to command capital, can approach the Government for the purpose of obtaining contracts; and it is known that for years men have organized themselves for the purpose of obtaining, and have obtained from the Government, for the mail service double, treble, and even fourfold the value of the service they rendered. By these combinations, and it is generally believed by the connivance if not active co-operation of Government officials, the Treasury has year after year been robbed of

millions of the people's money. The object of this proposed legislation is to protect the Government as far as possible from these organized plunderers. But, as I said before, a great deal must necessarily be left in the execution of all laws of this kind, and their practical efficiency must depend upon the executive officers. I feel confident that this report, if adopted as the law of the land, furnishes additional guarantees to the people, and is on the whole better than the law we have had heretofore or have now. My colleagues on the conference committee, the gentleman from Indiana, [Mr. TYNER,] the gentleman from Pennsylvania, [Mr. PACKARD,] and the gentleman from Illinois, [Mr. CANNON,] have from their official position here necessarily given more attention to and have much more knowledge in regard to the practical operations of the postal laws than I have. My colleague [Mr. CANNON] especially has devoted much time, labor, and practical ability to this subject, and did more I think than any other member toward perfecting the bill of the House thereon, and I have had the benefit of the judgment and superior information of these gentlemen as to the practical operation of existing laws and the effect of this proposed legislation. And I think it proper to add that every one of my colleagues on the conference committee acted loyally as the representatives of the views of the House, and for the purpose of effecting if possible a compromise which would retain all the conservative principles of the bill as it passed the House. And it was only after various meetings of the committee that the House conferees found it necessary, for the purpose of getting this legislation which we must pass in some form before we can go home, to yield or modify some of their own views in regard to some of the points in controversy.

It was the opinion of every member who had given any attention to the subject that the bill now before the House, although far from perfect, although not precisely what we want, is a great improvement upon existing law. We rarely if ever in legislation get precisely what we would prefer. If this is an improvement on existing law, why not pass it? If it is not, if it furnishes additional means to the robbers and plunderers who are seeking to get the money of the Government without giving an adequate return for it, then vote it down. But it is conceded I believe on all hands that the proposed legislation is an improvement upon existing law. If it is executed by the head of the Post-Office Department loyally in the interest of the Government, and with a determination not to permit the Government to be plundered by these organized bands, it will to a very great extent effect the object we all have in view. And, as I have heretofore said, we are compelled to rely to a great extent upon the ability and integrity of our executive officers. There is no possible escape from this dilemma.

Now as to other points; and I desire to detain the House but a minute or two longer. In regard to postage, the House with great labor and care framed a bill which went to the Senate. I believe, as I have already stated, that my colleague across the way, [Mr. CANNON,] one of the conferees on the part of the House, devoted as much time and labor and ability to the preparation of the bill and securing its passage by the House probably more than any other member of the House. He was on the committee of conference and used all his skill and intelligence in endeavoring to get the Senate conferees to agree to the views of the House. But in this we failed in part. The present bill proposes a reduction of at least 50 per cent. upon the present rate of postage on newspapers, providing, however, that in all cases the postage shall be prepaid, and while the postage on newspapers is thus reduced 50 per cent., it has been demonstrated by figures that there will be brought into the Treasury more than double what we now get for carrying and delivering newspapers, resulting from the fact that only about one-third of this postage is now collected. Therefore, although we held out as long as there was any hope of getting the precise measure passed by the House fixing the postage on newspapers at 1½ cents per pound, for the purpose of getting through what we believed would be beneficent legislation, we consented to the 2 cents per pound presented in this report. The Senate yielded four times as much as we did; that is, 2 cents per pound, while we advanced but half a cent. Therefore there has been no degradation of the House or derogation from the dignity thereof by the action of its conferees. I do not think it has been satisfactorily made to appear that this provision in regard to postage would operate injuriously to any newspaper establishment in the country. Under the provisions of this bill all the weekly newspapers will circulate without any charge for postage in the counties where they are published. This will furnish a relief which, has been demanded by the small weekly newspapers of the country, and I believe is approved by nearly the whole public, and this provision releases to them a large part of what would otherwise be a considerable burden to them.

Mr. HAWLEY, of Connecticut. How much will ½ cent per pound make on the whole revenue?

Mr. MARSHALL. My colleague [Mr. CANNON] will be better able to tell you. I have not the precise figures with me.

Mr. HAWLEY, of Connecticut. What will 2 cents a pound make?

Mr. MARSHALL. My colleague has all the details and will state them. But I must ask to be allowed to proceed with what little I have to say now. The Senate conferees were very strongly of the opinion that the action of the Senate was proper, and that 4 cents per pound and nothing less ought to be fixed as the postage to be prepaid by the publishers of newspapers. They considered themselves

instructed not to yield to the demands of the House. But they have come down 50 per cent., that is to one-half of their own proposition as it passed the Senate, and to within ½ cent per pound of our own proposition as passed by the House. I do not think myself if we adopt the principle of prepayment at all, about the policy of which I have some doubt, that the amount here proposed would be oppressive to any newspaper publisher in the whole country, although I would much prefer retaining, if it could be done, the postage as fixed by the House bill.

Now in regard to the sending of documents. The House had provided that the Agricultural Report should go free through the mails. The Senate struck out that provision and put in a clause providing that all documents should go through the mails at a uniform postage of 25 cents per volume, and providing that the CONGRESSIONAL RECORD should go through the mail free. That is changed in this report in this way: All bound documents if sent by a member of Congress, the President, or the head of a Department, that is, public documents issued by order of Congress, will go through the mails at a uniform postage of 10 cents per volume. This was adopted to obviate and avoid the present clumsy and troublesome law which requires that every document must be weighed before you can know what postage to pay thereon. A number of documents were weighed in the Senate post-office, and we were informed that it was thus ascertained that the public documents issued by order of Congress would average about two pounds a volume. That is, on the bound volumes of public documents sent through the mails by members of Congress we must prepay the postage, and at a rate 150 per cent. greater than we require of newspaper publishers for carrying their merchandise. By the provisions of this conference report, if it becomes a law, nothing goes through the mails free. The postage is reduced, but the revenues will be very considerably increased, as everything carried will pay the Government for the service rendered.

Yet this arrangement will be a great convenience to members of Congress and beneficial to the people. The documents which we publish ought to be sent to the people. I believe all members can afford—and will do so—to send the documents, Agricultural Reports and all, to the people, and prepay the postage thereon. Now they are not sent through the mails. Members who have not large incomes cannot afford to send them. I think this is a very great improvement on existing legislation. The CONGRESSIONAL RECORD, instead of going free, as provided by the Senate bill, will, under this bill, go at a uniform postage of 1 cent per number of the daily issue. That provision was adopted to obviate the necessity of sending each daily issue to be weighed in order to ascertain what was the amount of postage upon it. The average through the session of the daily RECORD will not, I suppose, be above two ounces. But it is always troublesome to be compelled to weigh them before you can know what postage you ought to pay. If you make a mistake as to postage they do not go through the mails, but are thrown aside as waste matter. By fixing the postage at a uniform rate this trouble and inconvenience is obviated. These are all the controverted points I believe, and I do not desire to go into the matter any further.

Mr. TOWNSEND. All these documents are to be prepaid?

Mr. MARSHALL. All prepaid here; none are to go through the mails without prepayment. All documents and all mailable matter whatever of every kind must be prepaid.

Mr. SPEER. Who puts the designation on the documents? Is it to be stamped on by the Door-keeper or by whom?

Mr. MARSHALL. It must be done by the officer sending them, the President, the head of a Department, or by a member of Congress. He must put upon the cover of the document his signature, certifying it to be a public document. It will be sent out under his name, and he must take the responsibility to see that none but public documents are thus sent.

Mr. BROMBERG. If a document be mailed by a member from his place of residence is the postage still 10 cents?

Mr. MARSHALL. I believe we did not retain the clause providing that these public documents must be sent from Washington City only.

Mr. TYNER. No, sir.

Mr. MARSHALL. They may be sent from any place, but must be certified as public documents by a member of Congress, the President, or the head of a Department.

Mr. TOWNSEND. Will the bound volumes of the CONGRESSIONAL RECORD go free through the mails?

Mr. MARSHALL. They will go as other public documents, at ten cents on each bound volume. That will be the uniform rate on any volume of public documents.

Mr. MERRIAM. The postage will not be ten cents on a Congressional Directory?

Mr. MARSHALL. All bound volumes of public documents, large or small, sent in this way will be subject to the uniform rate of ten cents per volume. Public documents unbound will be charged at the same rate we fix for newspapers sent by the publishers thereof.

Mr. HAWLEY, of Connecticut. If a bound volume now goes at the rate of six cents, will this bill increase the rate to ten cents?

Mr. MARSHALL. It may and I think will have that operation; but this would not be a very serious burden, and it is not in many cases that the postage will not in fact be less than the present rates. While this bill is of course not perfect; while it is not precisely what any of us would prefer, it is unquestionably, I think, a great improvement upon the existing law.

One word only in regard to newspaper postage and prepayment. The provisions of this bill on that subject will not take effect until the 1st of January next. I believe I am right on that point.

Mr. TYNER. The gentleman is correct.

Mr. MARSHALL. Hence, if it should be found upon consideration that any marked injustice or oppression is likely to result to anybody from these provisions, Congress, which will be in session one month before the law will go into operation, can correct next winter anything of that kind.

Mr. SPEER. Does this bill provide that books ordered to be published by Congress may not be sent through the mails under the bill until next January?

Mr. MARSHALL. They may be sent immediately. I am referring to the change of the rate of postage upon newspapers and the matter of prepayment. Those provisions do not go into effect until January next.

Mr. SOUTHARD. Under this bill will newspapers circulate free in the county of their publication?

Mr. MARSHALL. They will.

Mr. TYNER. I think that the House now understands the provisions of this conference report, and I 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. TYNER 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.

CLAIMS FOR INDIAN DEPREDACTIONS.

Mr. SHANKS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, instructed to report to the House early at its next session a detailed statement of the amounts of money paid out of the various funds belonging to Indians on claims for depredations committed by Indians, with the names of the claimants, the amount of the claims, and the amounts allowed and paid, with the dates.

PREFERENCE OF SOLDIERS IN CIVIL EMPLOYMENT.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to introduce for action now a joint resolution giving preference to soldiers in civil employments.

The resolution was read. It provides that in all Bureaus and Departments of the Government, whenever there shall be a number of applicants for place or employment therein, a soldier or sailor who fought in the line of duty in the war, a soldier's or sailor's widow, wife, daughter, mother, son, or father, respectively, being such applicant, shall have preference in the places and employments suited to each, respectively; and the same rule shall be observed whenever discharges shall take place in the several Departments and Bureaus, by reason of diminution of force therein, respectively. But two persons of the relationship above stated either by blood or marriage shall not have employment in any Department or Bureau at the same time, unless both are so entitled because of service. It is made the duty of the appointing officer to make such appointments as equitably as possible from qualified candidates presenting themselves from the several congressional districts and Territories and the District of Columbia, with reference to their population; and upon the removal of any appointee the reason for such removal is to be stated on the records of the Bureau or office from which the removal has been made.

Mr. KELLOGG. That matter is now before our committee; I must object to this resolution.

Mr. HAZELTON, of Wisconsin. I ask the gentleman from Massachusetts [Mr. BUTLER] to modify the resolution by inserting "sister" at the appropriate place.

Mr. BUTLER, of Massachusetts. Certainly; I will make that modification.

Mr. ARCHER. I object to the resolution.

Mr. BUTLER, of Massachusetts. I move then to suspend the rules and put the resolution on its passage.

The SPEAKER. No motion to suspend the rules is in order except for bills on the Speaker's table.

ORDER OF BUSINESS.

Mr. BRADLEY. I ask unanimous consent to make a report from the Committee on the Public Lands.

Mr. BUTLER, of Massachusetts. I object.

Mr. RANDALL. Mr. Speaker, I believe that all the appropriation bills have now passed both Houses; but there must of course be some delay in enrolling them. The one that will take the longest time in enrollment is the sundry civil appropriation bill, which I understand will not be ready till three o'clock. It is idle to undertake further legislation now; for if we pass more bills they cannot be enrolled. I therefore move that we take a recess until half past two o'clock.

Mr. HERNDON. Before that is done I ask that the following resolution be read, and I will move to suspend the rules for the purpose of passing it.

Mr. BRADLEY. Has not the gentleman from Pennsylvania gotten through all the bills for his own district, he is so anxious to do no more business?

Mr. MAYNARD. The clerks cannot enroll any more bills if we do pass them.

Mr. RANDALL. It is utterly impossible.

PIEDMONT RAILROAD.

Mr. CESSNA. I ask unanimous consent to report a bill from the Judiciary Committee in order that it may be printed and recommitted.

Mr. RANDALL. I do not object.

Mr. CESSNA, by unanimous consent, from the Committee on the Judiciary, reported a joint resolution (H. R. No. 117) relative to the Piedmont Railroad Company; which was read a first and second time, ordered to be printed, and recommitted, not to be brought back by a motion to reconsider.

ORDER OF BUSINESS.

Mr. HERNDON. I hope my resolution will be read by the Clerk.

Mr. BUTLER, of Massachusetts. I object.

Mr. MAYNARD. I have a resolution to introduce to which I think there will be no objection.

Mr. HERNDON. Is there objection to having my resolution read.

Mr. BUTLER, of Massachusetts. I object.

Mr. MAYNARD. Let my resolution be read.

The Clerk proceeded to read as follows:

Resolved, The Clerk of the House of Representatives—

Mr. HERNDON. I object to that.

Mr. MAYNARD. I think he would not object if he understood what it is.

Mr. RANDALL. I modify my motion and move to take a recess until two o'clock.

Mr. CONGER. I wish to take up a Senate bill.

Mr. BUTLER, of Massachusetts. I object, until every one of our soldiers and sailors can get a hearing.

Mr. MAYNARD. There is a class of committee clerks, generally soldiers, who came here at the salary as we recollect of nearly six dollars a day. We cut that down to less than five dollars a day.

Mr. BUTLER, of Massachusetts. I object to debate.

Mr. MAYNARD. While the Senate clerks are getting over seven dollars our clerks have been cut down to less than five. I propose by resolution to give a small additional compensation to that class of committee clerks.

Mr. BUTLER, of Massachusetts. I object.

Mr. RANDALL. I ask a vote on my motion to take a recess until two o'clock.

The House divided; and there were—ayes 69, noes 62.

Mr. RANDALL demanded tellers.

Tellers were ordered; and Mr. RANDALL, and Mr. SMITH of Louisiana, were appointed.

The House again divided; and the tellers reported—ayes 101, noes 58.

Mr. TYNER demanded the yeas and nays.

Mr. GARFIELD. I should like to make a detailed statement in reference to the appropriation bills.

Mr. SPEER. That had better be postponed until we have decided whether we will take a recess or not.

The yeas and nays were ordered.

The question was taken, and it was decided in the negative—yeas 80, nays 131, not voting 78; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Atkins, Banning, Barnum, Barrere, Barry, Bass, Beck, Berry, Blount, Bowen, Bromberg, Brown, Burchard, Caldwell, John B. Clark, Jr., Clymer, Coburn, Comingo, Cook, Cox, Crittenden, Crossland, Darrall, Davis, Duell, Durham, Frye, Glover, Gunckel, Gunter, Hamilton, Hancock, John T. Harris, Havens, Hooper, Howe, Hunt, Knapp, Lawson, Leach, Magee, McKinley, McKee, Milliken, Mills, Moore, Morey, Morrison, O'Brien, Pelham, Perry, James H. Platt, Jr., Randall, Rice, Robbins, James C. Robinson, Milton Saylor, John G. Schumaker, Scofield, Sener, A. Herr Smith, George L. Smith, Snyder, Southard, Spear, Standiford, Christopher Y. Thomas, Todd, Vance, Waldron, Wells, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, and Wolfe—80.

NAYS—Messrs. Albert, Albright, Barber, Bell, Biery, Bland, Bradley, Bright, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, Amos Clark, Jr., Clements, Stephen A. Cobb, Conger, Corwin, Crooke, Crounse, Crutchfield, Curtis, Dunnell, Eames, Field, Fort, Freeman, Garfield, Giddings, Gooch, Hagans, Eugene Hale, Benjamin W. Harris, Henry R. Harris, Harrison, Hatcher, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, Hodges, Hoskins, Houghton, Hubbell, Hunter, Harlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Kendall, Lamar, Lawrence, Longridge, Lowe, Lowndes, Luttrel, Lynch, Marshall, Maynard, Alexander S. McDill, MacDougall, Merriam, Monroe, Negley, Niblack, O'Neill, Orth, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Phelps, Pierce, Pike, Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Isaac W. Scudder, Shanks, Sheets, Sherwood, Sloan, Sloss, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Sprague, Stanard, Starkweather, St. John, Stone, Stowell, Strait, Strawbridge, Charles R. Thomas, Thornburgh, Townsend, Tremain, Tyner, Wallace, Jasper D. Ward, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Woodford, and Woodworth—131.

NOT VOTING—Messrs. Adams, Averill, Begole, Buckner, Cessna, Freeman Clarke, Clayton, Clinton L. Cobb, Cotton, Creamer, Crocker, Danford, Dawes, De Witt, Dobbins, Donnan, Eden, Eldredge, Elliott, Farwell, Foster, Robert S. Hale, Harner, Hays, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Jewett, Killinger, Lamson, Lampert, Lansing, Lewis, Lofand, Martin, McCrary, James W. McDill, McLean, McNulta, Mitchell, Myers, Neal, Nesmith, Niles, Nunn, Orr, Packer, Hosea W. Parker, Phillips, Thomas C. Platt, Potter, Read, Richmond, William R. Roberts, Henry J. Scudder, Sessions, Sheldon, Lazarus D. Shoemaker, Small, Smart, William A. Smith, Stephens, Storm, Swann, Sypher, Taylor, Waddell, Walls, Marcus L. Ward, Wheeler, Whiteley, Wilber, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—78.

So the motion that the House take a recess was not agreed to.

Mr. RANDALL. I call for the regular order.

OSAGE INDIAN LANDS IN KANSAS.

The SPEAKER. The regular order being called, the House resumes the consideration of business on the Speaker's table.

The next business on the Speaker's table is the bill (H. R. No. 3088) to extend the time for completing the entries of Osage Indian lands in Kansas, with an amendment by the Senate which the Clerk will read.

The Clerk read as follows:

Insert at the end of the bill these words:
And provided further, That no further extension of time shall be granted than that provided for in this act; and that all occupants now upon said Osage lands shall file their application to purchase the lands so occupied by them within three months after the passage of that act, or forfeit all right and claim to the same.

Mr. LOWE. I move that the amendment of the Senate be concurred in.

The amendment of the Senate was concurred in.

Mr. LOWE moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROBBERY OF SAFE IN DISTRICT ATTORNEY'S OFFICE.

Mr. WILSON, of Indiana. I rise to make a privileged report. I present the following report from the Joint Committee of Investigation into the Affairs of the District of Columbia.

The Clerk read as follows:

The Joint Select Committee to Inquire into the Affairs of the District of Columbia, to whom was referred the following resolution, passed by the House of Representatives May 5, 1874, namely: "Resolved, That the Joint Committee on the Affairs of the District be, and they are hereby, directed to inquire whether the officers or employés of the United States, or any officer or employés of the District government, have been engaged in any conspiracy to defeat or hinder the investigation ordered by Congress into the affairs of the District, and particularly in this connection to inquire into all the circumstances connected with the late robbery of the safe in the office of the United States attorney for the District of Columbia," report:

That they have diligently endeavored to make the investigation required by the resolution, but in doing so have examined a number of witnesses, and they have learned the names of other witnesses who ought to be examined, but whose attendance they have not been able up to this time to procure. The testimony taken is in many material respects conflicting and irreconcilable; and in some very important particulars the contradictions cannot be accounted for upon any theory of mistake or want of memory in the conflicting witnesses. The testimony satisfies your committee that one of the objects of the burglary was to falsely implicate Columbus Alexander, one of the memorialists. But in the absence of the testimony of the witnesses hereinbefore referred to, whose attendance has not been procured, it would in the opinion of your committee be improper for them to express any opinion upon the question, "Who were the conspirators?" Indeed, considering that the burglary must be the subject of investigation in the criminal court of the District, your committee beg leave to suggest that an expression of opinion by them that any particular person or persons are guilty might be unwise, if not improper, for reasons that will readily be discovered upon reading the testimony.

Your committee think that it should be brought to the notice of the Secretary of the Treasury and the Attorney-General, and in this connection the committee beg to call especial attention to the telegrams which were sent from Michael Hays to H. C. Whitley and to I. C. Nettleship, and also to the other telegrams and letters produced in evidence. They therefore report the testimony and the following resolution, and ask to be discharged from the further consideration of this subject:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, instructed to transmit to the Secretary of the Treasury and to the Attorney-General, each, a copy of the evidence taken by the Joint Select Committee in Relation to the Affairs of the District of Columbia, so far as the same relates to the "late robbery of the safe in the office of the United States attorney for the District of Columbia," for their information and guidance.

WILLIAM B. ALLISON.
 A. G. THURMAN.
 WILLIAM M. STEWART
 J. M. WILSON.
 JAY A. HUBBELL.
 LYMAN K. BASS.
 HUGH J. JEWETT.
 ROBERT HAMILTON.

Mr. WILSON, of Indiana. I ask to have the report and the testimony printed, and I also move the adoption of the resolution reported by the committee, and on that I call for the previous question.

Mr. BECK. I wish to ask the gentleman from Indiana whether the testimony does not absolutely demand that the committee should recommend that criminal prosecutions be instituted against Whitley and Nettleship, for high crimes and misdemeanors.

Mr. WILSON, of Indiana. I think the committee have made significant suggestions in the resolution which they have reported.

Mr. BECK. I think not. The suggestions are so mild that the Secretary can hardly tell what the committee desire. What I wish to ask the chairman of the committee is, whether there has not been proof before the committee which compels that committee to conclude that those two men have been guilty of high crimes and misdemeanors?

Mr. WILSON, of Indiana. I have no hesitancy at all in saying that there is that in the testimony that indicates that the law-officers of the Government should take active measures in the courts for the purpose of having this matter thoroughly investigated and the parties who have been connected with the conspiracy brought to justice. But I did not think, and the committee did not think that it was proper for them, inasmuch as this was a case for an investigation in a court, to indicate who they believed ought to be prosecuted.

Mr. BECK. I wish to say I have no doubt, according to the testimony I have seen and heard of, that those men, Whitley and Nettleship, ought to-day to be in the penitentiary for that crime.

Mr. WILSON, of Indiana. The committee preferred that every man should read this testimony and form his own judgment for himself.

Mr. SPEER. Who are these men?

Mr. BECK. They are the chiefs of the detective service, and their character was well known when they were appointed as being absolutely infamous.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution reported by the committee was agreed to.

The report and the accompanying testimony were ordered to be printed, and to lie upon the table.

TARIFF.

Mr. COBB, of Kansas. I rise to make a privileged motion. I move to reconsider the vote by which the report of the committee of conference on the tariff bill was rejected.

Mr. BUTLER, of Massachusetts. Is that motion of higher privilege than the business of the House which is proceeding under a suspension of the rules?

The SPEAKER. Reports of conference committees are of higher privilege than suspensions of the rules; and a motion to reconsider the rejection of a conference report has the same privilege.

Mr. RANDALL. I move to lay the motion to reconsider on the table.

Mr. COBB, of Kansas. I do not yield to the gentleman from Pennsylvania to make that motion. I yield to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. SPEER. Was the object of the motion of the gentleman from Kansas to allow the gentleman from Ohio, at this late hour of the session to make his speech, to which there could be no reply, for the purposes of the coming campaign.

Mr. GARFIELD. Mr. Speaker, I was entitled to an hour this morning, if I had chosen to use it, on the conference report on the sundry civil appropriation bill. But it was so important that the bill should go at once to the engrossing clerks that I occupied no time in general debate, but said I should ask the indulgence of the House later in the day, for no political speech, as my friends across the way seem to apprehend, but simply for the purpose of making, as far as I can and as accurately as possible, a summary of what has been done this session in regard to public expenditures. I therefore avail myself of the courtesy of the gentleman from Kansas [Mr. COBB] to state what has been done in the way of appropriations.

Gentlemen will remember that when the legislative appropriation bill was called up for action on the 5th of March I spoke somewhat at length upon the general subject of revenues and expenditures, and indicated the leading features of the bills which the Committee on Appropriations would recommend to the House, and what we believed would be possible in the way of reduction of the expenditures for the next fiscal year.

The reductions then suggested were of two kinds: first, the actual mustering out of expenditures by the repeal or scaling down of laws authorizing and requiring payments from the Treasury; and second, the postponement of such items of expenditure which, though ultimately necessary, could be postponed for a year or more without serious detriment to the public service until the pressure on the Treasury had passed. It was of great importance that we should be able to tide over the present and the next fiscal years without additional taxation, and for the time being the postponement of an expense was almost as valuable as a permanent reduction. In that speech I expressed the belief that by postponing some expenses and abolishing others we could reduce the appropriations for the next fiscal year about \$34,000,000 below the estimates of the several Departments, and that we could scale down the expenditures for the next fiscal year to an aggregate of \$270,000,000, exclusive of the sinking fund. We have now reached the end of the session, and it is worth while to see how far the expectations of four months ago have been realized. I presume that not all gentlemen have thought sufficiently upon this subject to appreciate the difficulty of scaling down without injuring the efficiency of so vast and complicated a machine as is the Government of the United States. It is a vast Colossus, whose every motion depends upon the expenditure of money; the motive-power of the vast machine is money; and the appropriations made by Congress determine and limit the activity of every function, from the highest to the lowest. I say that few people have considered how difficult it is to take such an organization and scale it down about 10 per cent. and still preserve its necessary working force unimpaired. We might by an unwise reduction cripple some one function and thus block the operations of a whole Department, but I believe that this Congress has made its reductions so carefully that no serious injury will follow.

Before stating the amounts appropriated by the several bills I will point out some of the measures of legislation which have been incorporated into these bills for the purpose of reforming the laws which regulate the expenditures of public money.

In the first place, we have endeavored to take a further step in the direction in which Congress has been trying to move for several years past; I mean the effort to bring all expenditures, as far as possible, directly under the eyes of Congress.

We have transferred several important items of expenditure from the list of permanent appropriations, over which Congress had no immediate supervision, and have placed them in the annual appropriation bills. This has necessarily swollen the annual bills, but it has brought all that class of expenditures, where they ought to have been

brought long ago, under the immediate eye of the people through their representatives in Congress. And here I will remark that there is no more curious illustration of the growth of our legislative history than this, that we have been steadily for the last forty years bringing all the Executive Departments more closely under the eye of Congress. For the first fifteen years of the Constitution the appropriations for the public service were placed in one short bill, which appropriated so many millions to enable the Secretary of State to carry on his Department, and so many millions to enable the Secretary of War to carry on his Department, and so with all the Departments. The details of expenditure were left wholly to the discretion of the heads of the various Executive Departments. They determined the number and salaries of the clerks, messengers, and other subordinate employes, and their expenditures were limited only by the amount of money granted by Congress. It was not until after about twenty years in the history of our Government that Congress began to divide the appropriations into separate bills for the different Departments; but even then most of the appropriations were made in lump.

There is no hope of insuring a careful economy in expenditures without specific provision, declaring the object of an appropriation and limiting the amount to be expended. During the present session the Committee on Appropriations have proposed several improvements which have been cordially indorsed by the House, and which I think will prove to be of very considerable service to the Government. As an instance of this I refer to the expenses of the national loan, which amounted to \$3,806,000 last year. That amount was expended in maintaining the Bureau of Engraving and Printing and in the employment of several hundred clerks and other employes, and both their number and pay were left wholly to the discretion of the Secretary of the Treasury. It was too great a discretion to put in the hands of any one man in the ordinary work of the Government. It enabled him to employ, and he had in his employment when this session commenced, not less than eighteen hundred people, paying them from \$5,000 a year down to seventy-five cents a day at his discretion. I think that upon the whole the work was reasonably well done. I do not think there was corruption or misuse of Government funds; but it was an extravagant method of conducting the public business. All that has been swept away by an amendment to the legislative bill. All the money now appropriated for this service is in specific sums, and in every case, except as to the number of employes in the Printing Bureau of the Treasury, a definite number of persons are to be employed and their salaries are fixed. In doing this we have made a reduction of \$500,000 in that one item alone; but of course the effect of this change is to swell the amount of the annual appropriation bills about \$3,250,000 above what they would have been but for the adoption of this reform, though it correspondingly reduced the amount to be expended under the head of permanent appropriations.

A similar reform has been made by the aid of the Committee on Military Affairs and the Committee on Civil Service Reform in regard to the employment of soldiers as clerks in the War Department. By the provisions of laws passed during the war and soon after its close many hundreds of enlisted men were detailed for duty as clerks and messengers in that Department, receiving extra compensation for rations and quarters, which raised their pay to about \$1,000 a year, while they were in fact soldiers of the Army at the rate of thirteen dollars per month. All that has been swept away. We have made appropriations for the employment of these persons at a fixed salary, and have limited the number to be employed. The effect of this was to swell the amount appropriated by that bill nearly half a million dollars; but it reduces the permanent appropriation by considerably more than that amount, and it has mustered out a large number of persons who were thus employed, and has made the force of civil employes a fixed and definite number.

In this connection also I will mention another feature of the appropriation bills of this session, which I think will everywhere be recognized as an improvement on the old method.

Hitherto it has been the custom to appropriate contingent funds in the lump for the several Departments. But this year the Committee on Appropriations have brought all the contingent funds down to items. For example, instead of appropriating \$350,000 for contingencies in the Treasury Department, we have separated it into all the various items, and they cover several closely printed pages of the law as it now stands, and state definitely so much for rent, so much for fuel, so much for lights, so much for the other items, leaving an actual contingent fund of only some \$25,000 to meet expenses that could not be enumerated. That plan has been carried through all the appropriation bills, and I believe in so doing we have done a good service in limiting the expenses of the Government.

When I addressed the House in March last I presented a detailed statement of expenditures of the last fiscal year, so grouped and exhibited as to show what portion of the expenditures were directly in consequence of the war and what were employed in carrying on the ordinary functions of the Government. With the leave of the House I will here republish that analysis, because it forms the basis of all the reduction we have attempted to make for the next fiscal year.

ANALYSIS OF EXPENDITURES FOR LAST FISCAL YEAR.

For the information of the House, I have made a careful analysis of the actual expenditures of the fiscal year which ended on the 30th of June, 1873. I have grouped

these expenditures into three classes: First, those payments which were made directly on account of the war; second, the expenses of the Army and Navy; third, all other expenditures, including the civil establishment and public works.

I. Amounts paid during the fiscal year 1873 on account of expenses growing directly out of the late war:

Joint Select Committee on Alleged Outrages in Southern States.....	\$1,067 23
Investigations in relation to elections in Louisiana and Arkansas.....	20,000 00
Payment of judgments, Court of Claims.....	489,034 70
Southern claims commission.....	52,800 04
Tribunal of arbitration at Geneva.....	62,210 22
Expenses of national currency.....	181,654 84
Expenses of national loan.....	2,806,863 94
Refunding national debt.....	54,726 83
Cost of assessing and collecting internal revenue, including payments of drawbacks and amounts illegally collected.....	6,687,039 49
Defending claims for cotton seized.....	32 95
Salaries of direct-tax commissioners.....	540 55
Expenses of collecting direct tax in Delaware.....	22 46
Repayment for lands sold for direct taxes.....	9,075 00
Return of proceeds of captured and abandoned property.....	1,960,679 26
Collection of captured and abandoned property, records and evidence respecting same.....	84,459 50
Refunding internal taxes illegally collected.....	1,507 44
Refunding proceeds of cotton seized.....	3,282 00
Premium on bonds purchased in currency.....	5,105,919 99
Payment of interest on the public debt.....	104,750,688 44
Bounties.....	465,049 14
Keeping, transporting, and supplying prisoners of war.....	258,080 11
Military telegraph.....	17,220 36
National cemeteries.....	431,219 22
Maintenance of steam-rans.....	14,548 93
Gun-boats on western rivers.....	33,408 28
Providing for comfort of sick and discharged soldiers.....	1,305 79
Payment of stoppages or fines due National Asylum for Disabled Volunteer Soldiers.....	193,750 59
Traveling expenses of California and Nevada volunteers.....	28,000 00
Traveling expenses of First Michigan Cavalry.....	500 00
Commutation of rations to prisoners of war in rebel States.....	2,000 00
Draft and substitute fund.....	42,792 84
Appliances of disabled soldiers.....	8,000 00
Transportation of insane volunteer soldiers.....	1,000 00
Support of Freedmen's Hospital and Asylum, Washington, D. C.....	72,000 00
Support of Bureau of Refugees, Freedmen, and Abandoned Lands, (regular).....	93,924 79
Support of Bureau of Refugees, Freedmen, and Abandoned Lands, (transfer).....	12,871 95
Horses and other property lost in the military service.....	99,975 85
Reimbursing State of Kansas for military expenses.....	336,817 37
Reimbursing State of Kentucky for military expenses.....	525,258 72
Refunding to States expenses incurred in raising volunteers.....	758,110 31
Defraying expenses of minute-men and volunteers in Pennsylvania, Maryland, Ohio, Indiana, and Kentucky.....	28,762 32
Supplying arms and munitions of war to loyal citizens in revolted States.....	945 38
Capture of Jefferson Davis.....	5,051 03
Claims of loyal citizens for supplies furnished during the rebellion.....	927,910 19
Bounty for destruction of enemy's vessels.....	133,802 28
Payment to captors of the rebel ram Albemarle.....	202,912 90
Payment to officers and crew of the United States steamer Kearsarge.....	141,377 00
Pensions*.....	29,350,426 86
Relief acts, (various).....	797,748 78
Total.....	157,262,416 81

II. Military and naval establishments:

For the Army, after deducting payments for the late war, already mentioned in group I, and for improvements of rivers and harbors, and other public works.....	\$32,524,548 64
For the Navy.....	21,474,433 61
	53,998,982 25

III. Civil service proper; being all the expenditures not named in the first and second groups:

1. Civil establishment:	
The civil list, including expenses of legislative, judicial, and executive offices of the Government not including Internal Revenue and Customs Departments.....	\$16,026,321 32
Increase of salaries by act of March 3, 1873.....	1,948,210 04
Foreign intercourse.....	1,292,008 49
Indians.....	7,946,809 53
Expenses of mints, Coast Survey, light-house service, revenue-cutter service, and marine hospitals.....	4,812,183 58
Cost of collecting customs duties, exclusive of revenue-cutter service and building and repairing custom-houses, including the refunding of excess of deposits and amounts illegally collected.....	12,586,045 93
Deficiencies in the revenues of the Post-Office Department.....	4,765,475 00
Mail-steamship service.....	725,000 00
Expenses of eighth and ninth censuses.....	105,762 44
Survey of public lands, and land funds to States.....	1,401,971 27
Government of Territories.....	271,985 36
Steamboat-inspection service.....	221,917 50
2. Extraordinary expenses:	
Investigation of senatorial election in Kansas.....	20,000 00
Survey of boundary between United States and British possessions.....	2,304 63
Commissioners to international penitentiary congress at London.....	5,000 00
Copies of proceedings of same.....	1,362 65
International exposition at Vienna.....	111,146 26
Payments for coin, nickels, &c., destroyed by fire at Chicago.....	370,813 24
Miscellaneous.....	1,662,634 86
	\$54,277,052 10
3. Public works:	
Custom-houses and post-offices, and repairs and preservation of same.....	3,270,329 90
Marine hospitals.....	61,928 73
Light-houses and repairs.....	1,408,851 49

* A portion of this amount is for pensions to soldiers of the war of 1812.

Court-houses, post-offices, and building for State, War, and Navy Departments.....	\$5,352,452 34
Arsenals and armories, and Military Academy buildings.....	916,476 33
Fortifications.....	1,801,766 92
Rivers and harbors.....	6,371,687 32
Navy-yards.....	1,370,587 06
Interior Department building.....	10,000 00
Buildings, Government Hospital for Insane, Columbia Hospital, and Columbia Institution for Deaf and Dumb.....	179,800 00
Improvements of public grounds, streets, and avenues in the city of Washington, including Washington Aqueduct and bridges across the Potomac River, extension of Capitol grounds and Capitol building.....	4,062,915 08
Grand total.....	290,345,245 33

It will be seen by an examination of this analysis that every expenditure enumerated in the first group is a direct charge of the late war. Now, that group amounts in the total to \$157,262,416.81; that is, 54 per cent. of all the expenditures of the Government, excluding the sinking fund, for the last fiscal year. In examining those items one by one I find but a single place where it seems to me there has been any extravagance whatever; and that is the expenses of the national loan, to which I will refer before I am done. I ask gentlemen to go over those items, and say what portion of the \$157,000,000 expended in paying the charges of the war could possibly have been left out with justice?

In the second group I have placed the Army and the Navy—not counting in the public works for rivers and harbors, navy-yards, arsenals, and the like, that have been built in connection with the Navy and the Army, but the net charges of the Army and Navy themselves. These make the second group, and they amount to \$53,998,982.25; that is just 18 per cent. of the whole expense for the year.

The third group embraces all other expenditures, and I have sub-grouped them for convenience into three heads: First, the civil service proper, the civil establishment represented by this bill and other kindred appropriations; secondly, extraordinary expenses that came in during the year, but of a civil kind; thirdly, public works of all kinds grouped together. Now this third group and its sub-groups amount in the total to \$79,803,547.27, or 28 per cent. of the entire expenses of the Government.

Now, Mr. Chairman, take the results: \$290,000,000—54 per cent. directly for the war; 18 per cent. for our military and naval establishments; and 28 per cent. for all other expenses put together. Going through the items carefully one by one, when gentlemen attack the economy of this Government they ought to specify the item that is extravagant; they should specify the item that is wrongfully there. It will not do to declaim against extravagance in general and not specify where it is. I have endeavored, in this statement, to spread out as on an open scroll the expenditures of the Government; and I ask the help of every man in this House to point out the places in this list where real, effective, wise retrenchment can be made.

It will be observed that in the first group I have placed only those items of expenditure which grew directly out of the war; yet it will not be denied that a very considerable portion of the expenses in the other two groups were made necessary in consequence of the war. But as they all belong to the annual expenditures of our civil and military establishments, it is difficult to say just what portion is fairly chargeable to that cause.

It will not be denied that the vast masses of accounts for bounty, for back pay, for materials furnished, for war claims, in all their innumerable forms, that came to the Treasury for settlement, have required a very great increase of clerical force in all the auditing and accounting departments of the Government; and the numerous payments which have been made on account of the war fund up to the current year show that a large portion of the force in all these departments is still employed on this business.

Again, the destruction of our light-houses along the southern coast, the neglect of our rivers and harbors, and public buildings, in all the States lately in the rebellion, has brought upon the country the necessity for restoration, repair, and rebuilding, which has greatly increased that class of our expenditures. We are still maintaining an increased civil establishment because of the war. And it is in this part of our civil administration where we will find most opportunity for retrenchment, where we will find it possible to muster out employees and abolish expenditures, which, though they have been needed, can be dispensed with in the future without crippling the ordinary service of the Government.

In the pending bill the Committee on Appropriations have indicated, by legislative provisions, such measures of retrenchment as they believe the service will bear without injury. And they invite the House to examine with the closest scrutiny the items of expenditure exhibited in the table I have given, and to aid the committee in pointing out places where further reduction can possibly be made.

Let our criticisms be accompanied by legislative provisions that will rectify the errors we complain of.

Now, Mr. Chairman, I have drawn a few conclusions from my own study of these groups, as to what can be done. I speak for the Committee on Appropriations when I say that we have agreed upon this principle, that we will not undertake to cut the appropriations down at all hazards to the level of revenues, however low that level may be. We do not believe in that. We believe that if a cutting down, such as ought to be made for its own sake, does not carry the Treasury through, then it is the business of Congress to provide ways and means; it is the business of Congress to tax whenever taxation is needed to prevent a deficit.

But the Committee on Appropriations propose two things: first, that wherever an expenditure has grown out of the war, or grown up in any other way, or an abuse has crept in, that expenditure and that abuse should be lopped off—in other words, if any expense can be mustered out, we propose to muster it out for all future time. Having done that, there is just one other thing we think can be done. Going over the proper and fitting expenditures of the Government, if we come to any that can be postponed for a year without seriously impairing any great national interest, we say, postpone it. When we have done those two things, we do not propose to cut down another dollar anywhere. And if in this bill gentlemen can show us that we have anywhere cut into the life of the Government or its necessary functions, we desire to restore what has been taken away. If in any place we ought to have increased expenditures or appropriations, and have not done so, point it out and we will move an increase.

Guided by these two principles, the Committee on Appropriations desire to suggest in what ways retrenchment can be made.

I then suggested the different items on which reduction could safely be made, and expressed the belief that the appropriations for the next fiscal year could be reduced by the sum of \$34,000,000 below the estimates made by the several Departments, and that this reduction could be made from twenty to twenty-five millions below the actual appropriations of last year. An examination of the situation as it then existed, March 5, led to the following conclusion:

And now, Mr. Chairman, from a review of the facts in the case, I am warranted in

the assertion that if the House will pursue the course which I have indicated, we shall pass through the present and the coming fiscal year without crippling any of the necessary expenditures of the Government, without abandoning any great and important public work already begun, and neither encounter a deficit nor bring the Treasury to protest, nor the public credit to shame. I believe that with the revival of business and with the restoration of public confidence we shall be enabled to get through this year and the next without additional taxation.

In this connection I call the attention of the House to one element that all will admit enters largely into the problem of public expenditures. Gentlemen sometimes say that the aggregate expenditures of the Government during its first fifty years were no more than they are now for one year. That is a striking and to some a startling statement. But I call the attention of the House to the growth of the country, to the area of square miles at four or five different periods of our history. When the Constitution was adopted we had, under the treaty of peace of 1783 with Great Britain, an area of 780,722 square miles. In 1803, by the acquisition of Louisiana, we more than doubled the amount of our territory by enlarging it to the amount of 1,941,000 square miles. Forty-five years later, in 1848, by our acquisitions from Mexico and the neighboring territory, we had 2,928,000 square miles. To-day we have 3,682,000 square miles of territory, being nearly five times the area of the territory we had when the Constitution went into operation. Now, these increments of growth have not been mere additions of territory; they have been accompanied by the creation of new States and Territories, at a rate even more rapid than the growth of our area in square miles. Of course every new State and Territory has added to the expenditure of the Government.

I will detain the House no longer except to call attention to the appropriations made at the present session. Making a comparison between law and law, not between estimates and appropriations, I present a table which exhibits the appropriations of last year and the corresponding appropriations made during this session:

Twelve regular appropriation bills for the years 1874 and 1875.

Title of bill.	For fiscal year ending June 30, 1874.	For fiscal year ending June 30, 1875.	Increase.	Decrease.
Navy.....	\$22,276,257 65	\$16,818,946 20	.....	\$5,457,311 45
Army.....	31,796,008 81	27,788,500 00	.....	4,007,508 81
Fortification.....	1,899,000 00	904,000 00	.....	995,000 00
Legislative, executive, and judicial.....	23,753,633 86	20,613,880 80	.....	3,139,753 06
Indian.....	5,541,418 90	5,656,171 00	\$114,752 10	.....
Military Academy.....	344,317 56	339,835 00	.....	4,482 56
Deficiencies.....	12,978,418 69	4,083,914 26	.....	8,894,504 34
Post-Office.....	5,396,602 00	5,497,842 00	101,240 00	.....
Consular and diplomatic.....	1,311,359 00	3,405,404 00	2,114,045 00	.....
Pension.....	30,480,000 00	29,980,000 00	.....	500,000 00
Sundry civil.....	32,186,129 09	26,895,545 25	.....	5,290,583 84
River and harbor.....	6,102,900 00	5,218,000 00	.....	884,900 00
Total decrease.....	.....	.....	.....	26,863,006 96

By glancing over this table gentlemen will see in what bills the reductions of appropriations have been made.

In the naval bill the reduction amounts to nearly \$5,500,000; and part of this reduction arises from the fact that we have reduced the rank and file of the Navy and also reduced the enlisted force of the Marine Corps 20 per cent., and part of it arises from the fact that last year we made a large appropriation, a little more than \$3,000,000, for building new sloops of war, which does not appear in the bill for this year.

The appropriations for the Army are reduced a little more than \$4,000,000. This was made possible mainly by the fact that we provided for the reduction of the enlisted men of the Army by the number of five thousand.

The fortification bill shows a reduction of very nearly \$1,000,000, and is an example of a public expenditure that can be postponed without detriment to the public service.

The legislative appropriation bill shows a reduction of a little more than \$3,000,000 below the corresponding appropriations of last year. The reduction would have been \$6,000,000 but for the fact that there has been placed in this bill more than \$3,000,000 which formerly were expended under the head of permanent appropriations for the national loan. The reduction has been effected mainly by the repeal of the salary bill, which alone made a reduction of \$1,000,000, by reducing the force in the various departments of the civil service, and by reducing contingent expenses.

The Indian appropriation bill shows a small increase over that of last year; but it should be remarked that a large portion of our deficiencies have been for the Indian service of the current year.

The appropriations for the Military Academy are nearly the same as those of the current year, although the number of cadets has been increased forty-nine.

The deficiency bill of this year appropriates nearly \$9,000,000 less than the deficiency bills of last year.

The appropriations from the Treasury for postal service are about \$100,000 greater than the amount for last year. It will be noticed that I have set down only the amount appropriated out of the Treasury. The revenues of that Department are not covered into the Treasury, but are expended directly for the service by the Department itself.

The total expenditures of that Department will be over \$2,000,000 greater for the next fiscal year than for the current year. But the increase of the rates of postage provided for in the bill will it is estimated produce about \$2,000,000 of additional revenue.

The consular and diplomatic bill appropriates about the ordinary amount for the service of that Department; but there has been added this year nearly \$2,000,000 to that bill as the amount required to pay the award of the mixed British and American commission under the treaty of Washington.

The pension bill this year is half a million dollars less than the pension bill of last year. But the legislation of the session in regard to pension laws leads me to believe that we shall have to appropriate a deficiency in the pension bill of next year enough to bring up the appropriation to what it was last year. Had I known when the pension bill was under consideration what I know now about the expenses of that Bureau, I should have insisted upon keeping the amount the same as last year. You may therefore expect half a million for deficiencies in the pension bill of next year.

Mr. ELDREDGE. Does the gentleman think there will not be some deficiency in the Post-Office Department?

Mr. GARFIELD. I hope not; I cannot tell.

Mr. ELDREDGE. There never has been a time when there was not a deficiency there.

Mr. GARFIELD. All our appropriations for the Post-Office Department are deficiencies, except the postal revenue. The amount of deficiency to be paid from the Treasury is what we speak of when we refer to deficiencies for the Post-Office.

The sundry civil bill shows a reduction of \$5,250,000 below that of the corresponding bill of last year. This arises in the main from a reduction in the amounts appropriated for public buildings; but the bill of this year has been increased by an appropriation of \$400,000 to aid the sufferers by the overflow of southern rivers.

The river and harbor bill of this year shows a decrease of \$885,000 below that of last year, and—

Mr. CONGER. I wish the gentleman would state that in the river and harbor bill of this year about \$200,000 are added for general surveys in connection with schemes of cheap transportation all over the country between the East and the West—an appropriation which is no part of the river and harbor appropriation bill proper.

Mr. GARFIELD. The gentleman has stated that fact so well that I do not need to repeat it.

Summing up the results of the table here presented, the aggregate appropriations made in the twelve regular appropriation bills are \$26,863,006.96 less than the amounts appropriated in corresponding bills of last year.

I have not taken into account in this statement the \$4,000,000 appropriated in what was known as "the naval emergency bill;" but on the other hand I have more than balanced this \$4,000,000 by including in these bills the appropriations for expenses of the national loan and other similar appropriations, which have been transferred from the list of permanent appropriations to the regular bills. Nor have I included in this statement the amount appropriated by Congress in the form of claim bills and relief bills. Though the number of private bills which have passed at this session is probably greater than those of the preceding year, yet I am satisfied that the amount appropriated in such bills is considerably less than the appropriations of last year. The appropriations of this class amounted last year to \$3,354,842.17. I do not believe that this year they will reach \$1,500,000.

The summing up of the amounts appropriated in the bills that have passed within the last day or two has been done somewhat hurriedly, and I will not vouch for the absolute correctness of the figures here given; but I am satisfied they are not far out of the way. I may safely affirm that the appropriations made at the present session of Congress are in the aggregate \$25,000,000 less than those of last year. I ought also to add that in this statement no account has been taken of the unexpended balances in either year.

I desire to say in conclusion, for myself and for my associates on the Committee on Appropriations, that we feel under great obligations to the House for the confidence with which it has accepted our work. At times I have no doubt that we have appeared to many members unreasonable in our opposition to measures of expenditure, but the House has generally shown an unwavering purpose to follow the line of genuine economy in its management of public affairs. In this connection I may state (and I do so in no disparaging or invidious spirit) that almost every bill sent from this House to the other has come back to us larger in the amount of the appropriation than when it left us; and in almost every instance the bills that have come from a conference committee into the House have come in with a smaller amount of appropriation than when they were sent to the conference. No conference committee on any of the appropriation bills has enlarged the bill in its charge; but on the contrary nearly all of such committees have decreased the appropriations.

I shall watch with deep interest the financial history of the next fiscal year, with some apprehension that in some places we have cut too deep. But I shall confidently expect to see the expenditures kept within the aggregate of the permanent and annual appropriation bills.

Mr. PARKER, of Missouri. Is my friend from Ohio [Mr. GARFIELD] prepared to state to the House the difference between the estimates for this year and the actual appropriations?

Mr. GARFIELD. I cannot do that, because I do not know precisely the amount of the miscellaneous appropriations.

Mr. PARKER, of Missouri. I hope the gentleman will be prepared to incorporate such a statement in his published speech.

Mr. GARFIELD. It will take some time to work up all the items. But the Clerk of the House is required by law to publish a full summary of the amounts appropriated for all purposes, and we may expect to see his statement soon.

Mr. COX. I object to gentlemen making speeches of this kind here in the last hours of the session without any opportunity for a reply.

Mr. COBB, of Kansas. I yield to the gentleman from Massachusetts, [Mr. DAWES.]

Mr. RANDALL. I would like to know how much time the gentleman from Kansas has remaining.

The SPEAKER *pro tempore*. Thirty-five minutes.

Mr. COBB, of Kansas. I yield ten minutes to the gentleman from Massachusetts.

Mr. COX. Is any reply to be permitted to these speeches, or are they to be published after we adjourn without any opportunity for an answer?

Mr. DAWES. Mr. Speaker, I do not desire to occupy any great length of time; but I wish to bear testimony to the fidelity of the Committee on Appropriations, and to say that they may well congratulate themselves upon the result of their labors. They will go home to their constituents presenting a result which cannot but commend itself to the public judgment as well as to their own private convictions. I know a little something of the difficulties of their work, although not as much as they do themselves. My experience only went just far enough to learn that fact, but the gentleman has not only had an opportunity to learn how difficult it is, but an opportunity to learn better than I did how to discharge his duties so as to overcome those difficulties.

I desire, however, Mr. Speaker, as he has presented one side of the public ledger in a manner so flattering and so desirable to the country, to say but a single word as to the other side of that ledger. Nobody can ask more at the hands of this committee and this Congress in reference to the expenditures for the next fiscal year than has been rendered by this Committee on Appropriations. But how is it on the other side of the ledger? Is there any fair prospect before the people that this condition of expenditures will be met by sufficient receipts from our sources of revenue? The Committee on Ways and Means took instruction from the House in the early part of the session, and have adhered to it until this day. The House by an overwhelming vote instructed that committee not to impose any increase of taxes, having faith in the work on the other side of the ledger and faith in that recuperative power of the American people to cure themselves, if left without doctors and varying treatments, of all the ills under which they have suffered in the diminution of receipts and increase of expenditures. But what are the indications now? Although falling back in the receipts in the early months of this session, causing anxiety in the Treasury Department and anxiety upon this floor lest we should be compelled to impose new burdens, we find all these have been wiped out by the increased receipts of the Treasury. Within the last few months six or seven millions more than the current expenditures have been brought into the Treasury.

The internal-revenue taxes have yielded for the year more than was estimated by that department at the beginning of the year when everything was prosperous and without taking into account the sad experience of distress during the autumn. Every one of the internal receipts is more in the total than was promised by that department.

As yet the customs duties have not quite come up to the estimates; but taking them all together with the other receipts I have the utmost confidence, and authority I believe on the part of the committee and those who have studied the subject, to say that this side of the ledger which shows the receipts to meet these expenditures will be equally gratifying to the American people; that not only the current expenditures will be found met by the receipts of the Government but there will be over and above more than enough to meet the sinking fund, so that the policy in operation at the commencement of this Administration and adhered to through all these adversities will still be continued. That policy is to reduce the taxes on the one side and the expenditures on the other, keeping in view two things, the safety of the sinking fund and a moderate reduction of the public debt from twenty-five to fifty million dollars. I believe the sinking fund will be safe with the present receipts and with the reduction of expenditures for the next fiscal year. If, therefore, our receipts met the expenditures for last year and ran over \$5,000,000, with the expenditures next year \$26,000,000 less and the receipts equal to what they were last year, gentlemen will see we will certainly be in a condition to meet our expenditures and the sinking fund, and more too.

So, without taking any credit to the Committee on Ways and Means for their policy, for their policy has been a negative policy, holding back in obedience to a vote of the House instructing them not to impose new taxes until it was found absolutely necessary, and with such a reduction of expenditures as we have seen, a failure to recover from the past deficiency in the receipts so as to meet every demand upon us need not be looked for. The receipts will be equal to all the demands upon them to carry on the service of the Government for the next fiscal year.

I have not risen to commend the work of the Committee on Ways and Means. As I said, their policy has been mostly a negative policy. They have introduced some reforms in the revenue service and the administration of it, in reference to which much has been said in the House. The result they hope will meet with the just expectation of the committee. Others differ in this regard, but I do not wish to provoke any discussion on the subject. I only mean to say, Mr. Speaker, that the other side of the ledger will be quite as commendable as to the receipts of the revenue as that side of the ledger in reference to the expenditures which has been so flatteringly presented by the gentleman from Ohio.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

An act (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

An act (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.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that that body had passed, without amendment, bills of the House of the following titles:

An act (H. R. No. 3016) granting a pension to Ira Douthart;

An act (H. R. No. 3175) for the relief of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa;

An act (H. R. No. 3098) to amend the act entitled "An act to reorganize the courts in the District of Columbia, and for other purposes," approved March 3, 1863;

An act (H. R. No. 2770) to amend the act entitled "An act to amend an act entitled 'An act to establish a court for the investigation of claims against the United States,'" approved August 6, 1856;

An act (H. R. No. 3408) to relieve the political disabilities of L. L. Lomax, of Virginia;

An act (H. R. No. 3798) for the relief of J. J. Hayden;

An act (H. R. No. 3266) for the relief of the Pekin Alcohol Manufacturing Company;

An act (H. R. No. 554) for the relief of William I. Blackstone, of Saint Mary's County, Maryland;

An act (H. R. No. 2291) granting a pension to Franklin Stoner;

An act (H. R. No. 700) granting a pension to the minor children of Michael Weisse, deceased;

An act (H. R. No. 921) to prevent the useless slaughter of buffaloes within the territories of the United States; and

An act (H. R. No. 763) for the relief of Oliver P. Mason.

It further announced that the Senate had passed, with amendments, bills of the following titles; in which the concurrence of the House was requested:

An act (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers;

An act (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities;

An act (H. R. No. 3354) to relieve the persons therein named of their legal and political disabilities;

An act (H. R. No. 3353) to remove the political disabilities of Richard T. Allison, of Maryland;

An act (H. R. No. 3027) to remove the political disabilities of Van Ranslear Morgan, Thomas M. Jones, and Charles M. Fauntleroy, of Virginia, and of A. S. Taylor, of Maryland;

An act (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all legal and political disabilities imposed by the fourteenth amendment to the Constitution;

An act (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia;

An act (H. R. No. 3091) to release J. W. Bennett from political disabilities; and

An act (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland.

Mr. COBB, of Kansas. I yield now for five minutes to the gentleman from New York, [Mr. Cox.]

Mr. COX. I do not intend to occupy the time of the House to any great extent. I think a vote of thanks ought to be passed for the gentlemen on the other side because of the wonderful amount of their goodness and sanctity during this session. I have no doubt, Mr. Speaker, the two gentlemen who have given us these mournful eulogies intended to do something in the interest of economy. I think I may quote in this case a phrase from Whittier:

Saving as shrewd economists their souls
And winter pock, with the least possible outlay
Of salt and sanctity.

I never knew gentlemen at the end of the session make this sort of eulogy of themselves; but I am glad, however, to see the gentleman from Massachusetts [Mr. DAWES] agree with my friend from Ohio, [Mr. GARFIELD.] I am glad to see those two gentlemen, who started out so divergent in their paths at the beginning of the session, so harmonious just before the elections this fall. I do not believe these

beautiful, fine speeches would have been made if it were not for these fall elections. I know it is a good thing to feel your responsibility to the people, but I do protest, Mr. Speaker, against the gentleman from Ohio, [Mr. GARFIELD,] who is familiar with the details of the appropriation, and the gentleman from Massachusetts, [Mr. DAWES,] who raises the Ways and Means, coming in at the last end of the session, when no response can be made, with a view of finishing their speeches after the adjournment and having them printed and sent out as campaign documents without any opportunity for reply on this side. I say it is not fair; it is not a fair, square dealing with this side of the House.

I know gentlemen say they have been so good they do not need any defense from this side of the House. All you have done good over there you have done grudgingly. What has my friend done from the Committee on Ways and Means? Proposed a moiety bill after a great effort, after being driven to it by public opinion and the public press. What has he done? His little, petty tariff bill, that infant which left this House in such a bad condition, has been postponed until December next! Will we have it up again? Are we to have any real reform in that insidious, unjust, and invidious sort of legislation?

The gentleman says there have been increased receipts in the Treasury to make up for deficiencies. If so, it is not to be credited to these gentlemen. If they have practiced economy and shown a little better condition of expenditure than last year perhaps they thereby confess to the House and to the country that for ten or twelve years they have been in every regard derelict so far as economy in expenditure is concerned. They now come in just before the election and make these specious statements at the tail end of the session when there is no chance to reply.

What has the majority of the House done in the way of relieving the burdens of the people in reference to taxation? Point us to some specific thing. The gentleman from Ohio referred to one committee the business of which I am familiar with, the Committee on Foreign Affairs—the only thing with which I am familiar, perhaps, in regard to these appropriations, and I say here they have appropriated \$150,000 more in that regard than for the last year.

These gentlemen, after bragging all the session about reduction, come in at the very last moment and add to their bills—both the Senate and the House—in many respects. But I think there is one thing we should have done—and I say it with a view to the future and our responsibility to that future wherein there is peril and wherein there may be panic—and that is that you have kept up these false balances which are abomination to the Lord. After all your talk about resumption of specie payments, after all the brave talk of your President, his veto and his memorandum, he comes and signs your bill at the last moment when you all believe he would have vetoed it if he had acted in conformity with his own just judgment heretofore expressed.

[Here the hammer fell.]

Mr. COX. Just a word more. And now you go home to your people and expect them to stand that. No, sir; they will burn down the Administration barn to get rid of the rats, or they will sink the ship to get rid of the cockroaches.

Mr. COBB, of Kansas. I yield to the gentleman from Iowa, [Mr. KASSON.]

Mr. HARRIS, of Virginia. Will the gentleman from Iowa yield to me for a moment to ask a question?

Mr. KASSON. I yield for a question.

Mr. HARRIS, of Virginia. On the 23d of March last, the gentleman from Georgia [Mr. YOUNG] offered a bill to authorize the payment of mail agents and mail contractors for services rendered previous to April 4, 1861. The chairman of the Committee on Appropriations entreated the House not to pass the bill in the crude form in which he said it was presented, for the reason that his committee was then inquiring into the amount necessary to pay those claims.

Mr. HARRIS. The question, if you please.

Mr. KASSON, of Virginia. The result has been that no provision has been made for the payment of the claim, the action of the House having been influenced by the statement of the chairman of the Committee on Appropriations.

Mr. YOUNG, of Georgia. The majority of the House voted for the bill, but it did not receive the necessary two-thirds.

Mr. GARFIELD. The Committee on Appropriations carefully considered that matter. They found that in 1867 Congress passed a law forbidding the payment of any of that class of claims until Congress should by its express legislation provide for it. It would require the suspension of the rules to put it into any bill; and we found in many instances that old mail contracts in the South had been adopted by the confederate government, and that the contractors had got their back pay for carrying the mails before secession, on the condition that they would go on and serve under the new confederate government. Now, I do not want to give back pay to anybody who has been paid once already by the rebel government.

Mr. KASSON. We have had, Mr. Speaker, from our friend on the other side, the gentleman from New York, [Mr. Cox,] one of those delightful attacks to which we are so accustomed from him. He complained that he did not know before of the speeches to be delivered by the chairman of the Committee on Appropriations and the chairman of the Committee on Ways and Means, and therefore he apolo-

gizes for not making an adequate and sufficient reply to them. Let my friend from New York tell us how we could have accommodated him any better, inasmuch as several of the bills have been passed within forty-eight hours and we could only have footed them up this morning? Why did not the gentleman himself, in the interest which he undoubtedly has to serve his country and enlighten his constituency, make up the figures without waiting for the chairmen of these committees to do so? Why did he not examine into the subject earlier in the session instead of attempting to derogate from the honor which I believe belongs clearly and honestly to the Committee on Appropriations for the great reforms they have carried out.

Mr. COX. I think my friend from Iowa [Mr. KASSON] who served with the democratic side of the House for several weeks in the beginning of this session has got on the other side in this speech.

Mr. KASSON. The gentleman seeks again to claim my efforts at reform as belonging to the democracy—another of his errors in endeavoring to steal the credit to the democracy for all the reforms, every one of which has been carried by the republican side of the House and originated with the republican side of the House.

Mr. ELDREDGE. What reforms do you speak of? Be a little specific.

Mr. KASSON. The repeal of the Sanborn contracts is one, and the repeal of the moieties another; the reduction of expenditures and of the force in the Treasury is another; the reduction of every appropriation bill below those of last year is another.

Mr. ELDREDGE. The gentleman from Kentucky [Mr. BECK] has the credit of the repeal of the Sanborn contracts and the moieties. It is he who has got the scalp at his belt in those cases.

Mr. KASSON. I would refer to the bely reduction for another.

Mr. COX. In the Senate such democrats as Mr. BAYARD and Mr. Casserly began that reform for which the gentleman seeks credit.

Mr. KASSON. There is one thing, the only thing which I am aware of, of which the gentleman from New York [Mr. COX] can complain. The Committee on Ways and Means put the tax at two or three cents per pound on macaroni, and I am glad that I can sympathize with my friend from New York over the defeat of the tariff bill, in view of the fact that macaroni is saved. Mr. Speaker, let me ask the attention of my friends on both sides of the House to the question whether the exhibit made here this morning showing that there has been a saving in the appropriations of over \$25,000,000 is not one of which the whole House, both sides of it, republicans and democrats, may well be proud—for all our friends on the other side of the House take their part of the credit so far as they have assisted to bring about this result? I say this although this side of the House, the majority, are entitled to the credit if they are bound to take the responsibility which belongs to the action of the House.

Mr. ELDREDGE. Wait till the deficiency bill comes in, and then see how much credit either side is entitled to.

Mr. KASSON. Ah, Mr. Speaker, that is a prediction that we have heard before.

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. 169) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico, and minister to the republic of Mexico;

A bill (S. No. 733) regulating gas-works;

A bill (S. No. 806) to extend the time allowed for the redemption of certain lands by the first section of the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, and to suspend the operation of the fourth section of said act; and

A bill (S. No. 854) extending the right of way heretofore granted to the Alleghany Valley Railroad Company through the arsenal grounds at Pittsburgh, Pennsylvania.

POST-OFFICE APPROPRIATION BILL.

The House resumed the consideration of the motion to reconsider the vote by which the second committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the tariff bill was ordered.

Mr. KASSON. I only wish to say one thing more. I do not think there has been a session to which any gentleman of the House can refer for many years past, which has been so clear of the passage of bills containing private speculations, or "jobs." I think, sir, that both sides of the House are entitled to such credit as belongs to them respectively in that regard. A very small amount of money has been appropriated for the payment of claims, and the only apprehension is that in our desire to be conscientious we may have been unjust to claimants. I now move that the motion to reconsider be laid upon the table.

The motion was agreed to.

LEAVE TO PRINT.

Mr. STARKWEATHER. I ask unanimous consent to print some remarks upon the tariff bill.

Mr. SPEER. I must object if the gentleman is going to inject into the RECORD a speech such as he made some time ago.

Mr. STARKWEATHER. The gentleman never interjected any thing. This is not a political speech at all; it relates only to the tariff question.

Mr. SPEER. Then I have no objection.

No objection being made, leave was granted. (See Appendix.)

STAMPS ON LEGAL DOCUMENTS.

The House resumed the consideration of business on the Speaker's table.

The next business on the Speaker's table was the bill (H. R. No. 2413) to provide for the stamping of unstamped instruments, documents, or papers, returned from the Senate with amendments.

The amendments of the Senate were read and concurred in, as follows:

In line 6 strike out "78" and insert "76."

In line 9 strike out all after the word "faith" to and including the word "thereof" in line 16.

At the end of line 11 insert the following:

Provided, That to render such stamping valid the person desiring to stamp the same shall appear with the instrument, document, or paper, or copy thereof, before some judge or clerk of a court of record, and before him affix the proper stamp; and said judge or clerk shall indorse on such writing or copy a certificate under his hand when made by said judge, and under his hand and seal when made by said clerk; setting forth the date at which, and the place where, the stamp was so affixed, the name of the person presenting said writing or copy, the fact that it was thus affixed, and that the stamp was duly canceled in his presence.

PAY OF COMMITTEE CLERKS.

Mr. MAYNARD. I ask unanimous consent to submit the following resolution, in regard to which the gentleman from Massachusetts [Mr. BUTLER] objected a short time since.

Mr. BUTLER, of Massachusetts. I now withdraw my objection to the resolution.

The resolution was read, as follows:

Resolved, That the Clerk of the House of Representatives be authorized, and he is hereby directed, to pay to all of the clerks of committees of the House of Representatives who do not receive annual salaries their salaries for the months of July and August, 1874.

Mr. WILLARD, of Vermont. Has that been considered by the Committee on Accounts?

The SPEAKER. The Chair does not know.

Mr. WILLARD, of Vermont. I do not think it should be passed unless it has been considered by that committee.

Mr. MAYNARD. I move to suspend the rules and pass the resolution.

The SPEAKER. That is not in order. The House is acting under a suspension of the rules upon business on the Speaker's table.

Some time subsequently,

Mr. MAYNARD said: The gentleman from Vermont [Mr. WILLARD] agrees to withdraw his objection to the resolution in regard to committee clerks if I will modify it so as to limit it to July.

Mr. WILLARD, of Vermont. I said that I would not object to it if it was limited to one month from the close of the session.

Mr. MAYNARD. Very well; I will modify it in that way.

Mr. GARFIELD. I believe there is not money enough appropriated for that purpose, and I do not know how the clerks can be paid.

Mr. SENER. Let it go.

Mr. RANDALL. It will be a deficiency.

No objection was made; and the resolution was adopted.

Mr. MAYNARD 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.

COMMITTEES ON APPROPRIATIONS DURING THE RECESS.

The House resumed the consideration of business on the Speaker's table; and the next business was the following concurrent resolution of the Senate:

Resolved by the Senate, (the House of Representatives concurring), That the Committees on Appropriations of the two Houses of Congress are authorized to meet at the Capitol during the recess of Congress to make inquiry into and report any method by which reforms may be made in the expenditures of the several branches of the civil service, and the estimate of appropriations therefor, and the appropriation bills.

Mr. GARFIELD. I move that the rules be suspended and the resolution concurred in.

The motion was agreed to, two-thirds voting in favor thereof.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to introduce for action at this time a joint resolution giving preference to soldiers in civil employment.

Mr. CREAMER. I object; I think the gentleman has indulged in enough humbug this session.

Mr. HERNDON. I ask unanimous consent to—

Mr. BUTLER, of Massachusetts. I call for the regular order. Nobody on that side of the House shall get in anything by unanimous consent until Congress adjourns.

REMOVAL OF POLITICAL DISABILITIES.

The House resumed the consideration of business on the Speaker's table; and the amendments of the Senate to the following House bills were concurred in by a suspension of the rules, two-thirds voting in favor thereof:

A bill (H. R. No. 3027) to remove the disabilities of Van Rensselaer Morgan, Thomas M. Jones, and Charles M. Fauntleroy of Virginia, and A. S. Taylor of Maryland;

A bill (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia;

A bill (H. R. No. 3091) to release J. W. Bennett from political disabilities;

A bill (H. R. No. 3172) to relieve Sardine J. Stone, of Alabama, of political disabilities;

A bill (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland;

A bill (H. R. No. 3253) to remove the political disabilities of Richard T. Allison, of Maryland;

A bill (H. R. No. 3254) to relieve the persons therein named of their political disabilities; and

A bill (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from the legal and political disabilities imposed by the fourteenth amendment to the Constitution.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House now take a recess until three o'clock.

Mr. MERRIAM. I understand the post-route bill will be here in a few minutes.

The question was taken on the motion for a recess; and upon a division there were—ayes 53, noes 78.

Mr. RANDALL. Is that a quorum?

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

The yeas and nays were not ordered, there being but 14 in the affirmative.

So the motion for a recess was not agreed to.

JAMES P. COATES.

Mr. MAYNARD. I call for the regular order.

The House resumed the consideration of business on the Speaker's table; and the next business was the amendment of the Senate to the bill (H. R. No. 104) for the relief of James P. Coates, of Jackson, Mississippi.

The amendment of the Senate was to strike out \$986.70 and to insert \$800.

Mr. HOWE. I move that the rules be suspended and the amendment concurred in.

The motion was agreed to, two-thirds voting in favor thereof.

COMMITTEE ON PRINTING.

The next business on the Speaker's table was the following concurrent resolution of the Senate:

Resolved by the Senate, (the House of Representatives concurring.) That the Joint Committee on Printing is hereby authorized to sit during the coming recess of Congress.

Mr. HAZELTON, of Wisconsin. What is the object of that resolution?

Mr. SENER. Let it remain on the table.

Mr. KASSON. My colleague, [Mr. DONNAN,] the chairman of the House Committee on Printing, desired that this resolution should be concurred in. It has been agreed upon by some arrangement between the two committees. If I recollect aright, it was stated in the Senate that it would be without expense. I move that the rules be suspended and the resolution concurred in.

Mr. RANDALL. I think it is right; the gentleman from Iowa [Mr. DONNAN] explained it to me before he left.

The rules were suspended, (two-thirds voting in favor thereof,) and the resolution was concurred in.

RAYMOND'S REPORT ON MINING STATISTICS.

The next business on the Speaker's table was the amendment of the Senate to the following concurrent resolution of the House:

Resolved by the House of Representatives, (the Senate concurring.) That of the report of R. W. Raymond on mining statistics, with the accompanying engravings, there be printed three thousand copies for the House, two thousand for the Senate, one thousand for the Treasury Department, and one thousand for the Commissioner.

The amendment of the Senate was to strike out all after the word "printed" and to insert the following:

Twenty-two hundred and fifty copies, of which one thousand shall be for the use of the Treasury Department, two hundred and fifty copies for the use of the Commissioner, and one thousand copies shall be for sale at the cost of paper and press-work, with an addition of 10 per cent, by the Congressional Printer.

The SPEAKER. The question is on concurring in the amendment of the Senate.

Mr. MCCORMICK. I hope it will not be concurred in.

The SPEAKER. In the absence of a motion to suspend the rules and concur in the amendment, the resolution will be returned to the Speaker's table.

AGRICULTURAL REPORT FOR 1873.

Mr. GARFIELD. I ask to have read for the information of the House a letter from the Congressional Printer. I think we may desire to take some action upon it.

The Clerk read as follows:

OFFICE OF THE CONGRESSIONAL PRINTER.
Washington, June 23, 1874.

DEAR SIR: Are you aware of the fact that the Commissioner of Agriculture has not made his report for 1873 to Congress, and that hence the usual number has not been printed? It is not in type here. The report of 1872 is in type and ready for press.

Very respectfully, &c.,

A. M. CLAPP,
Congressional Printer.

Hon. J. A. GARFIELD.

Mr. GARFIELD. It was stated the other day that both these reports were in the hands of the Congressional Printer and in type, and an appropriation was made to print them. As Congress is the only authority to order the printing of the Agricultural Reports, I thought that probably we might desire to take some action on this subject.

Mr. FORT. I do not know who stated that the Agricultural Reports for 1873 was in print. That for 1872 is in print. It is by law made the duty of the Commissioner to make his report to the President, and of course that report can be printed when it is made.

Mr. GARFIELD. It is sent to the Printer through Congress.

Mr. MAYNARD. All the heads of the Departments make their annual reports to the President directly.

Mr. FORT. I desire to offer a resolution that the report of the Commissioner of Agriculture for 1873, when made, shall be printed.

Mr. WILLARD, of Vermont. Is that in order?

The SPEAKER. It is not.

Mr. WILLARD, of Vermont. Then I object.

Mr. MAYNARD. I wish to inquire whether the Commissioner of Agriculture made his annual report to the President last December?

Mr. DUNNELL. He did.

REUBEN M. PRATT.

The next business on the Speaker's table was the bill (S. No. 794) to legalize the muster of Reuben M. Pratt as second lieutenant.

The bill was read. It directs the Secretary of War to place the name of Reuben M. Pratt on the rolls of Company H, Sixth Regiment Pennsylvania Reserve Corps Infantry as a second lieutenant, and his muster into service as such heretofore made to date from the 1st day of August, 1862, is recognized; but the provisions of the act are not to be construed as granting any claim against the United States except the right of pension to the minor heirs of Pratt.

Mr. ALBRIGHT. I move that the rules be suspended and this bill passed.

The motion was agreed to, two-thirds voting in favor thereof.

CAPTAIN JAMES B. THOMPSON.

The next business on the Speaker's table was the bill (S. No. 600) for the relief of Captain James B. Thompson.

The bill was read. It states in the preamble that James B. Thompson, late of Company G, First Pennsylvania Rifles, was captured while in the line of his duty, May 30, 1864, at the battle of Bethesda Church, Virginia; on the 6th of June, 1864, was commissioned first lieutenant in Company F, One hundred and ninetieth Pennsylvania Volunteers, and on the 19th of September, 1864, another commission was issued to him as captain in same company and regiment, he being at the issuing of both commissions absent as a prisoner of war in the hands of the enemy: that he endured the horrors and privations of Andersonville for a period of nearly seven months, escaping twice and being once run down and recaptured by hounds, but at the third attempt eluding his pursuers and reaching the Union lines at Atlanta, Georgia, after traveling for one whole month entirely by night; that his failure to be mustered was through no fault or neglect of his own but solely by reason of his unavoidable detention as a prisoner of war. The bill therefore directs the proper accounting officers of the Treasury to pay to Thompson the pay and emoluments of a first lieutenant of infantry in active service from June 6, 1864, to September 19, 1864; and to pay him the pay and emoluments of a captain of infantry in active service from September 19, 1864, to March 1, 1865, from which date his muster as an officer commences.

Mr. MAYNARD. It seems to me that bill ought to pass. I move to suspend the rules and pass it.

The motion was agreed to, two-thirds voting in favor thereof.

WILLIAM L. ADAMS.

The next business on the Speaker's table was the bill (S. No. 382) for the relief of William L. Adams, late collector of customs at Astoria, Oregon.

The bill was read.

Mr. MAYNARD. Unless some explanation be given of this bill I think it should be referred.

Mr. WILLARD, of Vermont. It should go to the Committee on Claims. I move that reference.

The motion was agreed to, two-thirds voting in favor thereof.

WILLIAM J. PATTON.

The next business on the Speaker's table was the bill (S. No. 459) for the relief of William J. Patton.

The bill was read.

Mr. WILLARD, of Vermont. This bill ought to be referred to the Committee on Claims.

Mr. HYNES. The bill is all right. I move to suspend the rules and pass it.

The motion was not agreed to.

Mr. WILLARD, of Vermont. I move that the bill be referred to the Committee on Claims.

The motion was agreed to, two-thirds voting in favor thereof.

NORTHERN PACIFIC RAILROAD COMPANY.

The next business on the Speaker's table was the bill (S. No. 797) to amend an act in relation to the survey of certain lands granted to the Northern Pacific Railroad Company.

Mr. LUTTRELL. That ought to be referred to the Committee on the Public Lands.

Mr. DUNNELL. I move that the rules be suspended and the bill passed.

Mr. RANDALL. It ought not to be passed, but ought to be referred to the Committee on the Public Lands for examination.

Mr. DUNNELL. It has been examined by the Committee on the Public Lands.

Mr. RANDALL. It is a land grant, and ought not to pass.

The SPEAKER. The bill will be read.

The bill was read. It provides that so much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, as requires the payment by the Northern Pacific Railroad Company of the cost of surveying and conveying the lands granted said company be, and the same is thereby, repealed, and no cost for surveying shall be collected from said company.

Mr. SPEER. That bill should not pass.

Mr. KENDALL. The bill ought not to pass. It ought by all means to be referred to the Committee on the Public Lands. I make that motion.

Mr. DUNNELL. I have a motion pending to suspend the rules and pass the bill.

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 passed.

On motion of Mr. KENDALL, the rules were suspended and the bill was referred to the Committee on the Public Lands.

ROSA VERTNER JEFFREYS.

The next business on the Speaker's table was the bill (S. No. 878) for the relief of Rosa Vertner Jeffreys.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to Rosa Vertner Jeffreys, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, in full compensation for the use of and damages done to her property in Lexington, Kentucky, by reason of occupation of the same by the military authorities of the United States in the years 1862, 1863, 1864, and 1865.

Mr. BECK. I hope the House will suspend the rules and pass that bill.

Mr. LAWRENCE. It should go to the Committee on War Claims.

Mr. BECK. I move the rules be suspended and the bill passed.

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 passed.

Mr. LAWRENCE. I move the bill be referred to the Committee on War Claims.

Mr. BECK. I object to its going there.

Mr. LAWRENCE. I move to suspend the rules and refer it to the Committee on War Claims.

The motion to suspend the rules was not seconded.

The SPEAKER. The bill remains on the Speaker's table.

WRITS OF ERROR IN CRIMINAL CAUSES.

The next business on the Speaker's table was the bill (S. No. 935) to provide for writs of error in certain criminal causes.

Mr. WARD, of Illinois. I move that it be referred to the Committee on the Judiciary, and ordered to be printed.

The motion was agreed to.

THE NAMES OF VESSELS.

The next business on the Speaker's table was the bill (S. No. 683) to authorize the use of gilt letters for the names of vessels.

The bill, which was read, provides that section 3 of an act entitled "An act concerning the registering and recording of ships and vessels," approved December 21, 1792, is thereby so amended as to allow the names of vessels to be painted on the stern in yellow or gilt.

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

THE REORGANIZATION OF STAFF CORPS.

The next business on the Speaker's table was the bill (S. No. 321) reorganizing the staff corps of the Army.

Mr. NIBLACK. Is it expected to adjourn at four o'clock to-day when we are passing all these bills?

Mr. RANDALL. We are not passing many of them, but are merely taking them up and referring them.

Mr. CONGER. I move to refer that to the Committee on Military Affairs.

Mr. YOUNG, of Georgia. I hope not. It ought to pass.

The bill, which was read, in its first section provides that the In-

spector-General's Department shall consist of one colonel, two lieutenant-colonels, and two majors, with the rank, pay, and emoluments of officers of said grades; and the Secretary of War may, in addition, detail officers of the line, not to exceed four, to act as assistant inspectors-general; provided that officers of the line detailed as acting inspectors-general shall have all the allowances of cavalry officers of their respective grades; and no new appointment shall be made in the Inspector-General's Department until the number of inspectors-general is reduced to five.

The second section provides that the Bureau of Military Justice shall hereafter consist of one Judge Advocate-General, with the rank, pay, and emoluments of a brigadier-general; and the said Judge Advocate-General shall receive, revise, and have recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and shall perform such other duties as have been heretofore performed by the Judge Advocate-General of the Army. In the corps of judge-advocates no appointment shall be made as vacancies occur until the number shall be reduced to four, which shall thereafter be the permanent number of the officers of that corps.

The third section provides that hereafter there shall be three assistant commissaries-general of subsistence, with the rank, pay, and emoluments of lieutenant-colonel, instead of the two now allowed by law of said grade in the Subsistence Department; that the number of commissaries of subsistence, with the rank, pay, and emoluments of a captain of cavalry, is hereby reduced to twelve, and no appointment to fill a vacancy in said grade shall be made until the number thereof shall be reduced to twelve; and the number thereafter shall remain fixed at twelve.

The fourth section provides that the Medical Department of the Army shall hereafter consist of one Surgeon-General, with the rank, pay, and emoluments of a brigadier-general; one assistant surgeon-general, and one chief medical purveyor, each with the rank, pay, and emoluments of a colonel; and two assistant medical purveyors, with the rank, pay, and emoluments of lieutenant-colonels, who shall give the same bonds which are or may be required of assistant paymasters-general of like grade, and shall, when not acting as purveyors, be assignable to duty as surgeons by the President; fifty surgeons, with the rank, pay, and emoluments of majors; one hundred and fifty assistant surgeons, with the rank, pay, and emoluments of lieutenants of cavalry for the first five years' service, and with the rank, pay, and emoluments of captains of cavalry after five years' service; and four medical store-keepers, with the same compensation as is now provided by law; and all the original vacancies in the grade of assistant surgeon shall be filled by selection by competitive examination; and the Secretary of War is thereby authorized to appoint from the enlisted men of the Army, or cause to be enlisted, as many hospital stewards as the service may require, to be permanently attached to the Medical Department, under such regulations as the Secretary of War may prescribe. And the number of contract surgeons shall be limited to seventy-five on or before the 1st day of January, in the year 1875; and thereafter no more than that number shall be employed.

The fifth section provides that the Ordnance Department shall consist of one Chief of Ordnance, with the rank, pay, and emoluments of a brigadier-general; three colonels, four lieutenant-colonels, ten majors, twenty captains, sixteen first lieutenants; and all vacancies which may hereafter exist in the grade of first lieutenant in said department shall be filled by transfer from the line of the Army; provided that no appointment or promotion in said department shall hereafter be made until the officer or person so appointed or promoted shall have passed a satisfactory examination before a board of ordnance officers senior to himself.

The sixth section provides that no officer now in service shall be reduced in rank or mustered out by reason of any provision of law therein made reducing the number of officers in any department or corps of the staff.

The seventh section provides that as vacancies shall occur in any of the grades of the Ordnance and Medical Departments, no appointments shall be made to fill the same until the numbers in such grade shall be reduced to the numbers which are fixed for permanent appointments by the provisions of the act; and thereafter the number of permanent officers in said grades shall continue to conform to said reduced numbers; and all other grades in said Ordnance and Medical Departments than those authorized by the provisions of the act shall cease to exist as soon as the same shall become vacant by death, resignation, or otherwise, and no appointment or promotion shall thereafter be made to fill any vacancy which may occur therein.

The eighth section provides that so much of section 6 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1870, and for other purposes," approved March 3, 1869, as applied to the Ordnance, Subsistence, and Medical Departments of the Army be, and the same are, hereby repealed; provided that this section repealing said section shall not apply to any of the grades of the Medical or Ordnance Departments which are omitted or abolished by the provisions of the act.

Mr. ALBRIGHT. I move the rules be suspended and the bill be passed.

Mr. FORT. It seems to me to be in the line of economy and ought to be passed.

Mr. COBURN. I wish to say a word on the bill. I think it ought not

to pass. It is not in the line of economy. It creates new offices, opens promotions, and adds to the expenses of the Government largely. Two new brigadiers, one for the subsistence and one for the ordnance, are created, besides several other officers. The increased annual expense will be at least \$75,000. We have sent a proper bill to the Senate, and should await their action on the subject as an entirety, as a system. When we open promotions it should be done regularly and equitably, not in piecemeal as is here proposed. I am in favor of a regular system.

Mr. ALBRIGHT. It is similar to the bill the House has already passed.

Mr. COBURN. It ought not to be passed.

Mr. ALBRIGHT. I insist on my motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, with amendments in which the concurrence of the House was requested, bills of the House of the following titles:

The bill (H. R. No. 3023) for the relief of Andrew Mason; and

The bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah.

The message further announced that the Senate had passed without amendment, the bill (H. R. No. 2909) to declare the bridge across the Niagara River authorized by the act of Congress approved June 30, 1870, a post-road.

REORGANIZATION OF STAFF CORPS.

The House resumed the consideration of the bill reorganizing the several staff corps of the Army.

The SPEAKER. The gentleman from Indiana, [Mr. COBURN,] the chairman of the Committee on Military Affairs, desires that the bill shall be referred to that committee. The gentleman from Pennsylvania, [Mr. ALBRIGHT,] of the same committee, moves that the rules be suspended and that the bill be passed. The Chair will order tellers on seconding the motion to suspend the rules and passing the bill; and appoints the gentleman from Indiana, Mr. COBURN, and the gentleman from Pennsylvania, Mr. ALBRIGHT.

The House divided; and the tellers reported—ayes 89, noes 58.

So the motion to suspend the rules was seconded.

The SPEAKER. The question recurs on suspending the rules and passing the bill.

Mr. SENER. On that question I call for the yeas and nays. This is an important bill.

The question being taken on ordering the yeas and nays, there were ayes 30.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. FORT. I ask that the gentleman from Pennsylvania [Mr. ALBRIGHT] be heard for five minutes.

Objection was made.

The question was taken, and there were—ayes 135, nays 58, not voting 96; as follows:

YEAS—Messrs. Albert, Albright, Arthur, Averill, Barrere, Barry, Bass, Biery, Blaud, Bowen, Bright, Buflinton, Bundy, Burrows, Benjamin P. Butler, Roderick R. Butler, Cain, Cessna, John B. Clark, Jr., Clements, Clymer, Stephen A. Cobb, Comingo, Conger, Cook, Corwin, Creamer, Crooke, Crossland, Crouse, Crutchfield, Darrall, Dawes, Dobbins, Dunnell, Durham, Eames, Eldredge, Field, Fort, Foster, Frye, Hagans, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, John W. Hazelton, Hereford, Herndon, Hodges, Hooper, Houghton, Howe, Hubbell, Hynes, Kasson, Kelley, Kellogg, Kendall, Lamar, Lamport, Lawrence, Lewis, Lowe, Lowndes, Luttrell, Lynch, Magee, Martin, Maynard, Alexander S. McDill, Merriam, Monroe, Morey, Negley, Niblack, Niles, O'Brien, O'Neill, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Pierce, Poland, Rainey, Randall, Ransier, Rapier, Rice, Richmond, James C. Robinson, Ross, Russek, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheets, Sheldon, Sherwood, Sloss, George L. Smith, J. Ambler Smith, Snyder, Speer, Stannard, Stone, Stowell, Strawbridge, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Whitehouse, Whiteley, George Willard, John M. S. Williams, William Williams, James Wilson, and Pierce M. B. Young—135.

NAYS—Messrs. Archer, Ashe, Atkins, Banning, Barber, Beck, Bell, Bradley, Bromberg, Buckner, Burchard, Burleigh, Caldwell, Cannon, Cason, Coburn, Crittenden, Danford, Duell, Garfield, Giddings, Glover, Gooch, Gunckel, Henry R. Harris, Hatcher, Hunter, Hutton, Hyde, Lawson, Leach, Loughridge, James W. McDill, MacDougall, Milliken, Moore, Morrison, Nunn, Orth, Packard, Pratt, Robbins, Ellis H. Roberts, Sawyer, Henry B. Saylor, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Sprague, Strait, Tyner, Vance, Whitehead, Whitthorne, Charles W. Willard, Willie, and Woodworth—58.

NOT VOTING—Messrs. Adams, Barnum, Begole, Berry, Blount, Brown, Amos Clark, Jr., Freeman Clarke, Clayton, Clinton L. Cobb, Cotton, Cox, Crocker, Curtis, Davis, DeWitt, Donnan, Eden, Elliott, Farwell, Freeman, Gunter, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Harner, John T. Harris, Havens, Hays, Gerry W. Hazelton, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Hurlbut, Jewett, Killinger, Knapp, Lamson, Lansing, Lofland, Marshall, McCrary, McKunkin, McKee, McLean, McNulta, Mills, Mitchell, Myers, Neal, Nesmith, Orr, Packard, Hosea W. Parker, Phelps, Phillips, Pike, James H. Platt, Jr., Thomas C. Platt, Potter, Furman, Ray, Read, William R. Roberts, James W. Robinson, Milton Saylor, John G. Schumaker, Scofield, Lazarus D. Shoemaker, Sloan, Small, Smart, William A. Smith, Standford, Starkweather, Stephens, St. John, Storm, Swann, Taylor, Waddell, Wheeler, White, Wilber, Charles G. Williams, William B. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodford, and John D. Young—96.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, informed

the House that the Senate had passed without amendment bills of the following titles:

The bill (H. R. No. 2198) for the relief of the heirs at law of William S. Brashears, an officer of the Texas navy;

The bill (H. R. No. 3534) to change the times of holding the circuit and district courts at the City of Evansville; and

The bill (H. R. No. 3327) to provide for the improvement of Oosteenaula River, in the State of Georgia.

The message further announced that the Senate had passed the bill (S. No. 623) to enable the Secretary of State to pay salaries to certain of the commissioners of the Vienna exposition appointed under authority of the joint resolution approved February 14, 1873; in which the concurrence of the House was requested.

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. 294) for the relief of Joab Bagley;

An act (H. R. No. 763) for the relief of Oliver P. Mason;

An act (H. R. No. 1305) granting a pension to E. Caroline Webster, widow of Lucius H. Webster;

An act (H. R. No. 1410) to fix the salaries of the clerks at the United States army in Springfield, Massachusetts;

An act (H. R. No. 1939) for the relief of the sureties of James L. Collins, deceased;

An act (H. R. No. 2088) for the relief of James Lillie, postmaster at Lisbinville, Ray County, Missouri;

An act (H. R. No. 2187) authorizing and requiring the issuance of a patent for certain lands to the county of Scott, in the State of Missouri;

An act (H. R. No. 2349) for the relief of Burke and Kunkle;

An act (H. R. No. 2791) granting a pension to Franklin Stoner;

An act (H. R. No. 2891) for the relief of Mrs. Louisa Eldis, of Sandusky, Ohio;

An act (H. R. No. 2990) for the relief of Jesse F. Moore and Charles W. Lewis;

An act (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all political disabilities imposed by the fourteenth amendment to the Constitution;

An act (H. R. No. 3088) to extend the time for completing entries of Osage Indian lands in Kansas;

An act (H. R. No. 3411) to amend an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown and the Washington City Orphan Asylum, in the District of Columbia," approved May 24, 1828;

An act (H. R. No. 3432) to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction; and

An act (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude.

ANDREW MASON.

The next business on the Speaker's table was the bill (H. R. No. 3023) for the relief of Andrew Mason, returned from the Senate with amendments.

The amendments of the Senate were read, as follows:

In line 3, after the word "processes," insert the words "heretofore and hereafter to be."

In lines 4 and 5, after the words "New York," insert the words "or elsewhere."

Mr. HOOVER. I move that the rules be suspended and the amendments of the Senate be concurred in.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the amendments of the Senate were concurred in.

RECESS.

Mr. ELDREDGE. I move that the House now take a recess for one hour.

The question was taken, and the motion was not agreed to.

COURTS IN UTAH.

The next business on the Speaker's table was the bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah, returned from the Senate with amendments.

Mr. POLAND. I move that the rules be suspended and the amendments of the Senate be concurred in.

Mr. CROUNSE. Is it in order to call for the reading of the bill?

The SPEAKER. Strictly speaking it is not in order to call for the reading of the original bill, for the House is supposed to understand what it has passed. But it is proper to call for the reading of so much of the bill as will render intelligible the effect of the amendments made to the bill by the Senate.

Mr. POLAND. The Senate have struck out so much of it that I think my friend from Nebraska [Mr. CROUNSE] will be satisfied.

The amendments of the Senate were read, as follows:

Strike out after "divorce" in line 15, page 3, down to and including "fact" in line 6, page 4.

On page 4, line 15, after "court" insert:

Nothing in this act shall be construed to impair the authority of the probate court to enter land in trust for the use and benefit of the occupants of the towns in the various counties of the Territory of Utah, according to the provisions of an act for the relief of the inhabitants of cities and towns upon public lands, approved March 2, 1867, and an act to amend an act entitled "An act for the relief

of the inhabitants of cities and towns upon the public lands," approved June 8, 1886; or to discharge the duties assigned to the probate judges by an act of the Legislative Assembly of the Territory of Utah entitled "An act prescribing rules and regulations for the execution of the trust arising under the act of Congress entitled 'An act for the relief of inhabitants of cities and towns upon the public lands.'"

Page 5, line 10, after "appeals" insert;
A writ of error from the Supreme Court of the United States to the supreme court of the Territory shall lie in criminal cases where the accused shall have been sentenced to capital punishment, or convicted of bigamy or polygamy.

Page 8, line 4, after "challenges" insert;
Except in capital cases where the prosecution and the defense shall be allowed fifteen challenges.

Page 8, line 4, strike out all after "challenges" in line 4 down to and including "same" in line 8.
Strike out section 7.

Mr. POLAND. I move that the rules be suspended and the amendments of the Senate concurred in. A great deal that was good in the bill has been struck out by the Senate, and a great deal that is good is still left in it.

Mr. CROUNSE. I do not think there are half a dozen members in the House who understand the effect of these amendments. I call for the reading of the bill as amended.

Mr. POLAND. I move to suspend the rules so as to dispense with the reading of the bill and to concur in the amendments of the Senate.

Mr. CROUNSE. I move that the House take a recess for three quarters of an hour, during which time members may have an opportunity to examine the amendments of the Senate.

The SPEAKER. That motion is not in order pending a motion to suspend the rules.

Tellers were ordered; and Mr. POLAND and Mr. CROUNSE were appointed.

The House divided; and the tellers reported that there were—ayes 112, noes 36.

So the motion to suspend the rules was seconded.

The question was upon seconding the rules and concurring in the Senate amendments.

Mr. ELDREDGE. On that motion I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 21, noes 96; not one-fifth in the affirmative.

Before the result of this vote was announced,

Mr. ELDREDGE called for tellers on ordering the yeas and nays.

Tellers were not ordered, there being 22 in the affirmative, not one-fifth of a quorum.

So the yeas and nays were not ordered.

The rules were then suspended, (two-thirds voting in favor thereof,) and the amendments of the Senate were concurred in.

REPORTS FROM THE COMMITTEE ON AGRICULTURE.

Mr. CAIN, from the Committee on Agriculture, presented reports upon a memorial in behalf of the agricultural labors of the South and West, and a petition of Professor Edward Powers for producing rain by firing artillery; which reports were ordered to be printed, and recommitted to the Committee on Agriculture.

NATIONAL HOME FOR DISABLED SOLDIERS.

Mr. BUTLER, of Massachusetts, presented the annual report of the board of managers of the National Home for Disabled Volunteer Soldiers for 1873; which was ordered to be printed, and referred to the Committee on Military Affairs.

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. 104) for the relief of James Coats, of Jackson, Mississippi;

An act (H. R. No. 2798) for the relief of John J. Hayden;

An act (H. R. No. 2909) to declare the bridge across the Niagara River, authorized by the act of Congress approved June 30, 1870, a post-route;

An act (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia;

An act (H. R. No. 3091) to release J. W. Bennett from political disabilities;

An act (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;

An act (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland;

An act (H. R. No. 3253) to remove the political disabilities of Richard J. Allison, of Maryland; and

An act (H. R. No. 3266) for the relief of the Pekin Alcohol Manufacturing Company.

Mr. DARRALL, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 683) to authorize the use of gilt letters for the names of vessels; and

An act (S. No. 794) to legalize the muster of Reuben M. Pratt as second lieutenant.

ORDER OF BUSINESS.

Mr. BECK. I move that the House now take a recess until three o'clock.

Mr. WOODFORD. I trust not; there are one or two bills on the Speaker's table which absolute justice requires should be passed. They have already been examined by committees of this House and lie next upon the table.

RECESS.

The SPEAKER. The pending motion is that of the gentleman from Kentucky [Mr. BECK] for a recess until three o'clock.

Mr. MAYNARD. Before a recess is taken—

Mr. SENNER. I object to any debate.

The motion was not agreed to.

TARIFF BILL.

Mr. CONGER. I move that the Senate be requested to return to the House the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes.

Several members objected.

BRIDGE OVER WILLAMETTE RIVER.

The next business on the Speaker's table was the bill (S. No. 775) to authorize the construction of a bridge over the Willamette River at Portland, in the State of Oregon.

The bill was read, as follows:

Be it enacted, &c., That it shall be lawful for the Oregon and California Railroad Company of Portland, Multnomah County, in the State of Oregon, or for the said company jointly with the Oregon Central Railroad Company of Portland, in said State, on such terms as to division of expense as may be agreed upon between said companies, to build a railroad bridge across the Willamette River at the city of Portland, in said county of Multnomah, at a point to be selected and determined by the said railroad company or companies constructing such bridge: *Provided*, That there shall be placed in said bridge a draw of not less than three hundred feet in width, with a center abutment not to exceed fifty feet wide, and ten feet above the water line, leaving a passage on each side of the abutment of not less than one hundred feet in width, and so constructed as not to impede the navigation of said river, and allow the easy passage of vessels through said bridge. Such bridge shall be so constructed as to have a wagon and foot-way below the railroad-track: *Provided further*, That the said bridge shall be so constructed and built as not to obstruct, impair, or injuriously affect the navigation of the river; and in order to secure a compliance with these conditions, the corporation, association, or company proposing to erect the same, previous to commencing the construction of the bridge, shall submit to the Secretary of War a plan of the bridge, with a detailed map of the river at the proposed site of the bridge, and for the distance of a mile above and below the site, exhibiting the depths and currents at all points of the same, together with all other information touching said bridge and river as may be deemed requisite by the Secretary of War to determine whether the said bridge, when built, will conform to the prescribed conditions of the act not to obstruct, impair, or injuriously affect the navigation of the river: *Provided further*, That the Secretary of War may detail an officer to superintend the survey and examination of said river with a view to said location.

SEC. 2. That the Secretary of War is hereby authorized and directed, upon receiving said plan and map and other information, and upon being satisfied that a bridge built on such a plan and at said locality will conform to the prescribed conditions of this act, not to obstruct, impair, or injuriously affect the navigation of said river, to notify the said corporation, association, or company proposing to erect the same that he approves of the same; and upon receiving such notification the said corporation, association, or company may proceed to the erection of said bridge, conforming strictly to the approved plan and location. But until the Secretary of War approve the plan and location of said bridge, and notify the said corporation, association, or company of the same, the bridge shall not be built or commenced.

SEC. 3. That the right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said river by the construction of said bridge is hereby expressly reserved; and the expense of all improvements or repairs at any time made shall be borne by the company or companies constructing said bridge.

Mr. DUNNELL. I wish to inquire if this bill has been before the Committee on Commerce?

Mr. CONGER. A bill similar to this was reported by the Committee on Commerce and was passed by the House. The Senate in this bill has added in detail, so far as applicable, the restrictions which we impose upon bridges over the Ohio and Mississippi, which had been done in shorter language in our bill. There is no objection to passing this bill. I move that the rules be suspended and the bill passed.

The motion was agreed to, two-thirds voting in favor thereof.

A. H. VON LUETTITZ.

The next business on the Speaker's table was the bill (S. No. 633) for the relief of A. H. von Luettwitz.

The bill was read. The preamble states that A. H. von Luettwitz, late a first lieutenant in the Third United States Cavalry, who was cashiered from the United States service by sentence of a general court-martial on the 8th day of July, 1870, has established his innocence of the charges upon which he was so cashiered the United States service. The bill therefore directs the Secretary of War to amend the record of the said A. H. von Luettwitz so that he shall appear on the rolls and records of the Army for rank as if he had been continuously in service. But nothing is to be paid to him for the interval of time from the 8th day of July, 1870, until the passage of the act.

Mr. WOODFORD. I move that the rules be suspended and that this bill be passed.

Mr. SPEER. I hope that the gentleman will give us some explanation of it.

Mr. WOODFORD. The bill has been examined by the House Committee on Military Affairs, and is identical with a bill reported in this House.

The motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

COMMITTEE ON WAR CLAIMS.

Mr. LAWRENCE. I am instructed by the Committee on War Claims to report a resolution and to ask that it be passed. The resolution was prepared by the gentleman from North Carolina, [Mr. COBB,] and the committee directed it to be reported to the House. If adopted, it does not necessarily follow that a sub-committee will be appointed. The committee will consider the propriety of it. I do not intend now to say such sub-committee should or should not be appointed; but it is safe to give the committee power to do so if deemed best. There are some claims about which it may be desirable to take testimony in order to protect the Government. And I am ready to give to the people of the South every fair means of having their claims considered and justice done them. I would build up the waste places made desolate by the war; I would be just and generous to the people of the South. We belong to one common nationality, and it is alike duty and interest to cultivate fraternity and good will. Besides this, the material interests of the South should be cared for. This is essential to the prosperity of our people North and South. The North want to trade with the South. And especially now do I desire that every just claim should be paid. I want no delay. Whatever is due should be paid, and speedily paid. It is a crying shame that some tribunal is not provided that can without delay consider all claims and pass on them. It is better to do it now before evidence perishes.

I offer the following:

Resolved, That the Committee on War Claims be, and it is hereby, authorized to investigate during the recess of the present Congress the practical workings of the act creating the commissioners of claims and the acts amendatory thereof, and for this purpose to appoint a sub-committee, which shall be authorized to sit during the recess, which may proceed to such points in the States lately declared in insurrection as may be deemed advisable, and in the prosecution of this inquiry to subpoena witnesses, send for persons and papers, administer oaths, and take testimony, the expense of which shall be paid from the contingent fund of the House on the order of the chairman; and the said committee shall report at the commencement of the next session of the present Congress the result of their investigation and recommend what legislation, if any, in their judgment is necessary to secure to the loyal people in said States lately declared in insurrection the substantial justice contemplated in the acts named.

Objection was made.

RECESS.

Mr. HEREFORD. I move that the House take a recess until a quarter after three o'clock this afternoon.

The motion was agreed to; and accordingly (at ten minutes before three o'clock) the House took a recess.

The recess having expired, the House resumed its session.

NOTIFICATION TO THE PRESIDENT.

Mr. MAYNARD submitted the following resolution; which was read, considered, and agreed to:

Resolved, That a committee of three members of the House be appointed to join a similar committee on the part of the Senate, to wait upon the President of the United States and inform him that the two Houses of Congress are ready to adjourn if he has no further communication to make to them.

The SPEAKER subsequently announced the appointment of Mr. MAYNARD, Mr. WILSON of Indiana, and Mr. COX, as the committee on the part of the House.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 554) for the relief of William J. Blackstone, of Saint Mary's County, Maryland;

An act (H. R. No. 700) granting a pension to the minor children of Michael Weiss, deceased;

An act (H. R. No. 3023) for the relief of Andrew Mason;

An act (H. R. No. 3027) to remove the political disabilities of A. S. Taylor, of Maryland;

An act (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities;

An act (H. R. No. 3254) to relieve E. L. Winder of his political disabilities;

An act (H. R. No. 3327) to provide for the improvement of the Oostenaula River, in the State of Georgia;

An act (H. R. No. 3408) to relieve the political disabilities of L. L. Lomax, of Virginia; and

An act (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills of the following titles, without amendment:

An act (H. R. No. 3528) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale;

An act (H. R. No. 3352) to further provide for the sale of certain Indian lands in Kansas; and

An act (H. R. No. 3025) supplementary to the act entitled "An act

to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873.

It further announced that the Senate had passed a bill of the following title, with an amendment in which the concurrence of the House was requested:

An act (S. No. 898) to authorize the settlement of the accounts of Passed Assistant Paymaster E. Mellach, United States Navy.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD COMPANY.

The next business on the Speaker's table was the bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873, returned from the Senate with the following amendment:

Strike out the following:

And that all the rights conferred by this act are to be exercised and enjoyed by said company only upon the condition that said company shall first remove all the work it has done toward locating its track between the Insane Asylum and the Potomac River, and on the further condition that it shall never locate or operate said road, or any part thereof, between said asylum and the Potomac River.

And in lieu thereof insert the following:

And provided further, That said Washington City and Point Lookout Railroad Company shall construct its railroad in the county of Washington herein authorized, so that whenever it shall cross any public road it shall cross the same by an overgrade or undergrade crossing, by bridge or tunnel, so as not to impede public travel upon said roads, and shall construct that part of said railroad along Rock Creek in the valley of said creek, passing west of the P-street bridge by a tunnel through the hill west of the P-street bridge; and said road crossings and said tunnel shall be located and constructed in accordance with plans and specifications to be first approved in writing by the engineer in charge of public buildings and grounds.

Mr. RICE. I move that amendment of the Senate be concurred in. The motion was agreed to; and the amendment of the Senate was concurred in.

DEFENSE OF SPEAKER AGAINST SUITS.

Mr. WILSON, of Indiana, by unanimous consent, submitted a resolution; which was read, as follows:

Resolved, That the House assume the defense of the Speaker and the Sergeant-at-Arms in the suits against them by Joseph B. Stewart for alleged false imprisonment while in custody, under the order of the House, as a recusant witness, in February, 1873, recently decided against Stewart by the supreme court of the District of Columbia, and the expenses of said defense be paid by the Clerk from the contingent fund of the House, upon the approval of the Committee on Accounts.

The SPEAKER. The Chair desires to make a brief statement. After the adjournment of the session last March a writ was served upon the Speaker, and afterward on the Sergeant-at-Arms, by Joseph B. Stewart, claiming \$100,000 damages for false imprisonment. The Speaker of the House of the Forty-second Congress—the present occupant of the chair—immediately transmitted the papers to the Attorney-General's office. Of course he had no authority as Speaker to say so, but he ventured to say that if any expenses attended the defense of the House in this respect, these it might be expected would be provided for by order of the House. It is in pursuance of that that the gentleman from Indiana offers the resolution.

Mr. MAYNARD. I am very glad that the suit has been brought. It will enable the judiciary department of the Government to pass upon the authority of the officers of the House. It will be a case analogous in this country to one brought against the speaker of the House of Commons in England which settled the authority of the officers of the House of Commons. This will pass into the reports as a valuable precedent.

The case I refer to is *Burdette vs. Abbott*, 14 East, 1, decided in 1811. The imprisonment in that case was of one of the members of the House of Commons, sentenced for breach of privilege, and is very instructive. The defendant was speaker of the house, and signed the warrant for the plaintiff's arrest.

The SPEAKER. The Chair is informed that the expenses connected with the suit have not been at all considerable.

There being no objection, the resolution was adopted.

BENJAMIN E. SHEPPARD.

Mr. LEWIS, by unanimous consent, introduced a bill (H. R. No. 3782) for the payment of \$134.07 to Benjamin E. Sheppard, late route agent, &c.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TIME FOR FINAL ADJOURNMENT.

The SPEAKER. The Chair desires to make a communication to the House. He is this moment informed by the principal enrolling clerk of the House that it will not be mechanically possible to have the sundry civil appropriation bill enrolled in time for a final adjournment at four o'clock. The enrollment has been a very prolonged and laborious work, the amendments being so numerous and complicated.

Mr. SENER. If it be in order to move to extend the session to six o'clock, I make that motion.

The SPEAKER. The Chair will ascertain in a moment what time the enrolling department consider necessary for the completion of their work.

CHANGE OF NAME OF SCHOONER.

Mr. CONGER. While the House is waiting for that I ask unani-

mous consent to take from the Speaker's table and pass the bill (S. No. 406) to allow the schooner Ocean Wave to take the name of Edith E. Wright, and to be registered under that name.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. RANDALL. I hope no more bills will be passed. It only increases the work in the enrolling department.

TIME OF FINAL ADJOURNMENT.

The SPEAKER. The Chair, from what he is informed by the enrolling clerk, thinks the extension of the session ought to be to at least half past five o'clock.

Mr. STOWELL. I doubt if that will be sufficient. The post-route bill has not yet come down from the Senate.

The SPEAKER. The Chair, from what has been stated in regard to the post-route bill, as well as the sundry civil bill, thinks that six o'clock would be a better hour to fix for the final adjournment, and if it is not desired to transact further business, the Chair would suggest that the hour of final adjournment be extended to six, and that a recess be taken.

Mr. RANDALL. I offer the following concurrent resolution:

Resolved by the House of Representatives, (the Senate concurring.) That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session of Congress by adjourning their respective Houses on the 23d of June, 1874, at six o'clock p. m.

The SPEAKER. If the House shall agree to that resolution, and if it is understood that the post-route bill when it comes over from the Senate may be sent to the Speaker for his signature, the Chair thinks it will be safe to take a recess.

Mr. NIBLACK. I move to amend the concurrent resolution so as to make it eight instead of six.

The SPEAKER. The Chair thinks there will be ample time allowed by extending the session until six.

The concurrent resolution was adopted.

MESSAGE FROM THE SENATE.

A message was subsequently received from the Senate, by Mr. SYMPSON, one of their clerks, informing the House that the Senate had agreed to the concurrent resolution of the House of Representatives extending the time of the final adjournment to six o'clock p. m.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill (H. R. No. 3604) to establish certain post-routes.

RECESS.

Mr. CLYMER. I now move that the House take a recess until five o'clock.

The motion was agreed to.

And accordingly (at three o'clock and thirty minutes p. m.) the House took a recess until five p. m.

The recess having expired the House resumed its session at five o'clock p. m.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate insisted upon its amendment to the resolution of the House for printing the report of the Commissioner of Education, disagreed to by the House of Representatives, agreed to the conference asked by the House, and had appointed Mr. ANTHONY, Mr. HOWE, and Mr. SAULSBURY the committee on the part of the Senate.

PRINTING REPORT OF COMMISSIONER OF EDUCATION.

Mr. MONROE. I present the report of the committee of conference on the disagreeing votes of the two Houses on the concurrent resolution for printing the report of the Commissioner of Education.

With the permission of the House I will state in a word the situation in which the matter is left. The House ordered the printing of twenty thousand copies. The Senate amended the resolution by making the number five thousand, which was a considerable difference. The House disagreed to that amendment, and asked for a committee of conference. In the committee of conference it was found impossible to get any increase of this number in the Senate, although the Committee on Printing in the Senate would be very glad to have a larger number; and while I am almost ashamed to submit to the number being cut down from twenty thousand to five thousand yet it is much better to have that number than to have none, and as it will enable the Commissioner to supply teachers of schools during the summer with copies, as he has been in the habit of doing, we have thought it best to get what we could.

The Clerk read the report of the conference, as follows:

The committee of conference on the disagreeing votes of the two Houses on the House concurrent resolution for printing the report of the Commissioner of Education having met, after full and free conference agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the said resolution and agree to the same.

JAMES MONROE,
EPHA HUNTON,
Managers on the part of the House.
HENRY B. ANTHONY,
ELI SAULSBURY,
TIMOTHY O. HOWE,
Managers on the part of the Senate.

PENSIONS AND PAY OF NURSES.

Mr. HAWLEY, of Connecticut, by unanimous consent, presented memorials in relation to pensions and the payment of nurses, and asked unanimous consent that they be printed in the RECORD.

No objection was made.

The memorials are as follows:

BOSTON, June 1, 1874.

To the honorable Senate and House of Representatives in Congress assembled:

The undersigned, commander-in-chief of the Grand Army of the Republic, respectfully represents that the organization of which he is the chief executive officer is composed of many thousand citizens, each of whom served in the Army or Navy of the United States during the war of the rebellion; that the objects of the order are fraternal and benevolent; and that at the annual session of the National Encampment, May 13, 1874, the following preamble and resolutions were unanimously adopted:

"Whereas it appears that great injustice and hardships are inflicted upon our comrades in arms by the insufficiency of pensions paid to wounded and disabled soldiers: Now therefore be it

"Resolved, That it is the solemn conviction of the representatives of the Grand Army of the Republic that pensions should be increased in every grade, that all of the totally disabled should receive a sum sufficient for their maintenance, and that all other grades of disability should be so increased in due proportion that these brave men may not become objects of charity so long as they may survive.

"Resolved, That the commander-in-chief be requested to forward a copy of this resolution, in such terms as in his judgment he may see fit, to the President of the Senate and the Speaker of the House of Representatives of the United States, and ask that Congress take immediate and favorable action thereon."

In accordance therewith, I do hereby respectfully petition your honorable body to make provision for the disabled soldiers of the late war, as therein requested.

CHARLES DEVENS, Jr.,

Commander-in-Chief Grand Army of the Republic.

BOSTON, June 10, 1874.

To the honorable the Senate and House of Representatives in Congress assembled:

The following preamble and resolution were adopted by the eighth National Encampment of the Grand Army of the Republic:

Whereas a bill (No. 1555) has been introduced in the House of Representatives providing for certain compensation to the female nurses of the Union soldiers during the late war: Therefore,

Be it resolved, That the National Encampment, recognizing their self-sacrificing devotion and faithful labors, most earnestly urge upon the Congress of the United States the passage of the said bill.

I respectfully request their consideration by your honorable bodies.

CHARLES DEVENS, Jr.,

Commander-in-Chief.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 321) reorganizing the several staff-corps of the Army;

An act (S. No. 406) to allow the schooner Ocean Wave to take the name of Edith E. Wright, and be registered under that name;

An act (S. No. 600) for the relief of Captain James B. Thompson; and

An act (S. No. 775) to authorize the construction of a bridge over the Willamette River, at Portland, in the State of Oregon.

Mr. PENDLETON, from the same committee, 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. 554) for the relief of William L. Blackistone, of Saint Mary's County, Maryland;

An act (H. R. No. 700) granting a pension to the minor children of Michael Weisse, deceased;

An act (H. R. No. 921) to prevent the useless slaughter of buffaloes within the Territories of the United States;

An act (H. R. No. 2198) for the relief of the heirs-at-law of William C. Brashear, an officer of the Texas navy;

An act (H. R. No. 2770) to amend the act entitled "An act to amend an act entitled 'An act to establish a court for the investigation of claims against the United States,'" approved August 6, 1856;

An act (H. R. No. 3016) granting a pension to Ira Donthart;

An act (H. R. No. 3023) for the relief of Andrew Mason;

An act (H. R. No. 3027) to remove the political disabilities of A. S. Taylor, of Maryland;

An act (H. R. No. 3098) to amend the act entitled "An act to reorganize the courts in the District of Columbia, and for other purposes," approved March 3, 1853;

An act (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities;

An act (H. R. No. 3175) for the relief of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa;

An act (H. R. No. 3254) to relieve E. L. Winder of his political disabilities;

An act (H. R. No. 3327) to provide for the improvement of the Oostaula River, in the State of Georgia;

An act (H. R. No. 3352) to further provide for the sale of certain Indian lands in Kansas;

An act (H. R. No. 3408) to remove the political disabilities of L. L. Lomax, of Virginia;

An act (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers;

An act (H. R. No. 3534) to change the times of holding the circuit and district courts at the city of Evansville; and

An act (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.

RECESS.

Mr. WILLARD, of Vermont. I move that the House take a recess until five minutes to six o'clock.

The SPEAKER. The Chair would suggest that perhaps that would leave too short a time for the closing business of the session.

Mr. WILLARD, of Vermont. Then I will move that the House take a recess until half past five o'clock.

Mr. CONGER. I understand that a resolution is coming from the Senate asking for a further extension of the session until nine o'clock. If we take this recess as proposed, it is doubtful if the post-route bill can be brought in and signed.

The SPEAKER. The proposition now is to take a recess until half-past five o'clock, and that will leave half an hour for the closing business which the Chair thinks will be sufficient. It is doubtful if there is a quorum present, and the Chair cannot allow any business to be done under any circumstances without the presence of a quorum. It requires unanimous consent to take a recess without a quorum.

By unanimous consent the motion of Mr. WILLARD, of Vermont, was agreed to, and thereupon, (at ten minutes past five o'clock p. m.) the House took a recess until half past five o'clock p. m.

AFTER THE RECESS.

The recess having expired, the House reassembled at five o'clock and thirty minutes p. m.

APPOINTMENTS BY THE SPEAKER.

The SPEAKER. It is the duty of the Chair to nominate for the biennial term two directors of the Columbia Hospital. For the ensuing two years the Chair nominates JAMES A. GARFIELD, of Ohio, and SAMUEL J. RANDALL, of Pennsylvania.

The Senate has sent a message to the House that under the law lately passed providing for a joint committee to frame a form of government for the District of Columbia, the President *pro tempore* had appointed LOT M. MORRILL, of Maine, and WILLIAM T. HAMILTON, of Maryland, as members of the committee on the part of the Senate. The Chair nominates as the members on the part of the House, EBENEZER ROCKWOOD HOAR, of Massachusetts, and ALEXANDER MITCHELL, of Wisconsin.

The sundry civil appropriation bill contains a provision for an equestrian statue of General Nathaniel Greene, and directs the President of the Senate and the Speaker of the House each to name a member of their respective bodies to serve as a commission to execute that provision of the act. The Chair names as the member of the commission on the part of the House BENJAMIN T. EAMES, of Rhode Island.

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 concurrent resolution of the House to print extra copies of the report of the Commissioner of Education.

The message further announced that Mr. EDMUNDS, Mr. ANTHONY, and Mr. BAYARD had been appointed a committee on the part of the Senate to join the committee appointed on the part of the House of Representatives to wait upon the President of the United States and inform him that the two Houses of Congress are ready to adjourn.

The message also announced that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 2702) to relieve John Forsyth, of Alabama, of political disabilities; and

A bill (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry.

ENROLLED BILLS SIGNED.

Mr. DARRALL, 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:

An act (H. R. No. 2702) to relieve John Forsyth, of Alabama, of political disabilities; and

A bill (H. R. No. 3604) to establish certain post-routes.

REPORT OF THE COMMITTEE TO WAIT ON PRESIDENT.

Mr. MAYNARD. The committee appointed on the part of the House to join a similar committee on the part of the Senate to wait upon the President of the United States and inform him that the two Houses are ready to adjourn have performed that duty, and conveyed to him the expression of the two Houses of a desire to know if he had any further communication to make to them during the present session. He informed us that he had no further communication to make, tendered us his congratulations, and gave us a parting salutation.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, a bill of the House of the following title:

A bill (H. R. No. 2104) to confirm an agreement made with the Shoshone Indians (eastern band) for the purchase of the south part of their reservation in Wyoming Territory.

The message further announced that the Senate had passed and requested the concurrence of the House in, bills of the following titles:

A bill (S. No. 781) to relieve James L. Pugh, of Alabama, of his political disabilities; and

A bill (S. No. 912) to annex certain land to reservation No. 2, occupied by the Department of Agriculture.

JAMES L. PUGH.

Mr. CALDWELL. I ask unanimous consent to take from the Speaker's table and pass at this time Senate bill No. 781, to relieve James L. Pugh, of Alabama, of his political disabilities.

Mr. RAINEY. I think I must object at this late hour of the session.

Mr. HAYS. I hope no one will object.

Mr. RAINEY. I withdraw my objection.

The bill was taken from the Speaker's table by unanimous consent, read three times, and passed, two-thirds voting in favor thereof.

FINAL ADJOURNMENT.

The SPEAKER. By concurrent resolution of the two Houses, the final adjournment of this session is ordered for Tuesday, June 23, at six o'clock p. m. That hour has arrived. Wishing you all, gentlemen, a safe and happy return to your homes and families, I now declare the first session of the Forty-third Congress adjourned without day.