

The question being taken upon the motion of Mr. YOUNG, of Georgia, it was not agreed to.

Mr. DURHAM. I move to strike out the last word of the pending paragraph, for the purpose of making an inquiry of the chairman of the committee. The law requires that each head of a Department shall render an account at the end of each year of the contingent expenses of his Department during the year. Has that been done done by the Postmaster-General?

Mr. GARFIELD. That law was passed at the last session of Congress, in June, and the reports it requires from some of the Departments have come in. A part is now in the hands of the printer. We have not received that report from the Postmaster-General.

Mr. DURHAM. I simply desire to suggest that the law should be enforced. I have examined three different reports, and this is not in one of them.

Mr. GARFIELD. We expect to have these reports from all the Departments.

The Clerk commenced to read the paragraph making appropriations for the Department of Agriculture.

Mr. GARFIELD. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. ELLIS H. ROBERTS reported that the Committee of the Whole on the state of the Union had, pursuant to the order of the House, had under consideration the bill (H. R. No. 3313) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, and had come to no resolution thereon.

THE SINKING FUND.

Mr. DAWES, by unanimous consent, introduced a bill (H. R. No. 4042) making provision for the payment of the sinking fund, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

OHIO RIVER COMMISSION.

Mr. NEGLEY, by unanimous consent, presented a memorial from the Ohio River commission; which was referred to the Committee on Commerce, and ordered to be printed.

NOLAN S. WILLIAMS.

On motion of Mr. SCUDDER, of New Jersey, by unanimous consent, leave was given to withdraw from the files of the House the papers in the case of Nolan S. Williams, executor of Alfred A. Williams, late of New Orleans, no adverse report having been made thereon.

Mr. GARFIELD. I move that the House adjourn.

The motion was agreed to, and accordingly (at four o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. CESSNA: The petition of the Grand Temple of Honor of the State of Pennsylvania, for the appointment of a commission of inquiry concerning the alcoholic-liquor traffic, to the Committee on the Judiciary.

By Mr. CHIPMAN: The petition of Sons of Temperance of Washington, District of Columbia, of similar character, to the Committee on the Judiciary.

Also, a letter from the commissioners of the District of Columbia, inclosing a communication from the commissioners of the sinking fund, to the Committee on the District of Columbia.

Also, the petition of Daniel Genau, and others, to be paid for clothing taken by the board of health of the District of Columbia, to the Committee on the District of Columbia.

Also, the petition of John B. Hayes, for relief, to the Committee on War Claims.

Also, the petition of Nicholas White, of Washington, District of Columbia, for relief, to the Committee on War Claims.

Also, the petition of citizens of the District of Columbia, for a free bridge at Georgetown, to the Committee on the District of Columbia.

By Mr. CLEMENTS: Papers relating to the claim of W. P. Haliday and S. B. Haliday, of Cairo, Illinois; to the Committee on Claims.

By Mr. DONNAN: The petition of John B. Chapman, for relief, to the Committee on Claims.

By Mr. HOLMAN: The petition of Henry H. Robinson, esq., a citizen of Indiana, to restore the President's salary to the accustomed sum of \$25,000 by a due repeal of the act of Congress approved March 3, 1873, and also for further legislation to recover any payment in excess thereof, to the Committee on the Judiciary.

By Mr. HUBBELL: The petition of Caleb Green and 60 other citizens, of Central Lake, Antrim County, Michigan, for a post-route from Elmira to Central Lake, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Samuel W. Abbott, postmaster at Menomonee, Michigan, to be reimbursed \$5,510.50, stolen from his office in money and stamps on the night of September 4, 1874, to the Committee on Claims.

By Mr. KELLEY: The petition of the Pennsylvania State Tem-

perance Union, for the appointment of a commission of inquiry concerning the alcoholic-liquor traffic, to the Committee on the Judiciary.

By Mr. LAMPORT: The petition of the National Temperance Society, of similar import, to the Committee on the Judiciary.

By Mr. LAMISON: The petition of Augustus Bacon, for compensation for services as engineer under military order, to the Committee on Claims.

By Mr. LUTTRELL: A paper for the establishment of a post-route from Cloverdale to Mercuryville, Sonoma County, California, to the Committee on the Post-Office and Post-Roads.

By Mr. PACKARD: The petition of Mrs. M. P. Willits, of Brookston, Indiana, for increase of pension to widows and orphans, to the Committee on Invalid Pensions.

By Mr. PIERCE: The petition of Rev. A. A. Miner, president of the Massachusetts State Temperance Alliance, and others, for the appointment of a commission of inquiry concerning the alcoholic-liquor traffic, to the Committee on the Judiciary.

By Mr. POLAND: The petition of the Grand Lodge of Good Templars, of Vermont, of similar import, to the same committee.

By Mr. STARKWEATHER: The petition of citizens of Connecticut, of similar import, to the same committee.

By Mr. SWANN: The petition of Charles Myers, for back-pay and bounty, to the Committee on Military Affairs.

By Mr. THOMAS, of Virginia: The petition of Wade H. Powers, Wise Court-House, Virginia, for relief, to the Committee on War Claims.

IN SENATE.

FRIDAY, December 18, 1874.

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

RECEPTION OF KING OF SANDWICH ISLANDS.

Mr. CAMERON. I move that the reading of the Journal of yesterday be dispensed with.

The motion was agreed to.

Mr. CAMERON. I move that the Senate take a recess.

The VICE-PRESIDENT. Until what time?

Mr. CAMERON. Until one o'clock.

The VICE-PRESIDENT. The Senator from Pennsylvania moves that the Senate take a recess until one o'clock.

Mr. CAMERON. I desire to say to the Senate that the form prescribed for the ceremonies of to-day is that the Senators individually shall now, if they think proper, go to see the King of the Hawaiian Islands, who is in the President's room, and then we are to proceed in a body to the House of Representatives, where he will be received officially by the Vice-President and the Speaker of the House.

The VICE-PRESIDENT. The question is on the motion that the Senate take a recess until one o'clock.

The motion was agreed to.

The recess having expired, and the Senators having returned from the Hall of the House of Representatives, the Vice-President resumed the chair.

PETITIONS AND MEMORIALS.

Mr. JOHNSTON presented the petition of Ann Atkinson, of Washington, District of Columbia, praying to be allowed a pension on account of services rendered by her husband, Henry Toler, as a soldier in the war of 1812; which was referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. ALCORN, it was

Ordered, That the petition and papers of Mrs. C. J. Lake be taken from the files and referred to the Committee on Claims.

ADJOURNMENT TO MONDAY.

Mr. EDMUNDS. I move that when the Senate adjourn to-day, it be to meet on Monday next at twelve o'clock.

The motion was agreed to.

Mr. EDMUNDS. I move that the Senate do now adjourn.

Mr. RAMSEY. There is a good deal of executive business, and I hope the motion will be withdrawn so as to let us attend to that.

Mr. EDMUNDS. I will consent to that.

EXECUTIVE SESSION.

Mr. RAMSEY. I move 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 half an hour spent in executive session the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 18, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ADMISSION TO THE FLOOR.

Mr. PLATT, of Virginia. There are a number of ladies outside who cannot obtain seats in the galleries, and I move that they be admitted to take seats upon the floor of the House.

The SPEAKER. Is there objection to admitting ladies on the floor of the Hall during the proceedings attending the reception of the King of the Hawaiian Islands.

No objection was made, and the permission was granted.

SETTLERS ON THE PUBLIC LANDS.

Mr. PHILLIPS. I ask unanimous consent that Senate bill No. 1023, for the relief of certain settlers on the public lands, be taken up and passed.

The bill was read.

Mr. HOLMAN. I have little doubt that this matter is all right; but I shall object to the passage of any legislation in the confusion now prevailing.

BURLINGTON AND MISSOURI RAILROAD COMPANY.

The SPEAKER laid before the House a letter from the Secretary of the Interior, in further answer to the House resolution of June last concerning the Burlington and Missouri Railroad Company; which was referred to the Committee on Railways and Canals, and ordered to be printed.

OBSTRUCTION OF THE OHIO RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to obstructions to the navigation of the Ohio River; which was referred to the Committee on Commerce, and ordered to be printed.

NORTHERN SIOUX INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate of appropriations required during the fiscal year ending June 30, 1875, for the subsistence of the Northern Sioux Indians; which was referred to the Committee on Appropriations, and ordered to be printed.

BALANCES OF APPROPRIATION.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to balances of appropriation for hospitals for the years 1872-73 and 1873-74; which was referred to the Committee on Appropriations.

BRIDGE OVER ALLEGHENY RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to a bridge over the Allegheny River at Pittsburgh, Pennsylvania; which was referred to the Committee on Commerce, and ordered to be printed.

ARMAMENT OF PERMANENT WORKS.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the armament of permanent works, &c.; which was referred to the Committee on Military Affairs.

FIRST LIEUTENANT WILLIAM HARPER.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to the petition of First Lieutenant William Harper, Sixth Cavalry, requesting to be relieved from stoppages against his pay amounting to \$602, the value of forty-three Remington revolvers for which he was responsible and which were stolen from him; which was referred to the Committee on Military Affairs, and ordered to be printed.

APPROPRIATION FOR HEAD-STONES.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending that the appropriation of \$1,000,000 for head-stones, under the act of March 3, 1873, be made permanent and available until the work is completed; which was referred to the Committee on Appropriations, and ordered to be printed.

RETURNS OF COLLECTORS OF CUSTOMS.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting, in compliance with the act of the Revised Statutes of the United States, an abstract of returns from collectors of customs, showing the number of seamen registered as having received certificates of citizenship during the year ending September 30, 1874; which was referred to the Committee on Commerce, and ordered to be printed.

CLAIMS FOR INDIAN DEPREDACTIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, sundry claims for Indian depredations; which was referred to the Committee on Indian Affairs.

RECEPTION OF THE KING OF THE HAWAIIAN ISLANDS.

At fifteen minutes past twelve o'clock, the Doorkeeper having announced the presence of the Senate of the United States, the Senate, headed by the Vice-President and Clerk, entered the Hall and took seats assigned to them upon the right of the Speaker.

At twenty-five minutes past twelve o'clock His Majesty the King

of the Hawaiian Islands, attended by his suite and escorted by Senator CAMERON and Mr. ORTH, members of the joint committee of reception, entered the Hall and took his position in the center aisle, fronting the Speaker.

Senator CAMERON. Mr. Speaker, I have the honor to present to you His Majesty the King of the Hawaiian Islands.

The SPEAKER. Your Majesty! On behalf of the American Congress I welcome you to these Halls. The Senators from our States and the Representatives of our people unite in cordial congratulations upon your auspicious journey, and in the expression of the gratification and pleasure afforded by your presence in the capital of the nation, as the nation's guest.

Your Majesty's appearance among us is the first instance in which a reigning sovereign has set foot upon the soil of the United States, and it is a significant circumstance that the visit comes to us from the West and not from the East. Probably no single event could more strikingly typify the century's progress in your Majesty's country and in our own than the scene here and now transpiring.

The rapid growth of the Republic on its western coast has greatly enlarged our intercourse with your insular kingdom, and has led us all to a knowledge of your wisdom and beneficence as a ruler, and your exalted virtues as a man. Our whole people cherish for your subjects the most friendly regard. They trust and believe that the relations of the two countries will always be as peaceful as the great sea that rolls between us—uniting and not dividing!

Chief Justice ALLEN, of the Hawaiian Islands, said: I regret, Mr. Speaker, that His Majesty is so afflicted with a severe cold and hoarseness that he is unable himself to read the reply to your beautiful address, and he has requested me to do it, and with your permission I will read it:

Mr. SPEAKER: For your kind words of welcome I most cordially thank you. For this distinguished mark of consideration I tender to the honorable Senate and House of Representatives my highest sentiments of regard. It is in accord with the very courteous and generous treatment which I have received from the Executive department of the Government, and from all the people whom I have had the pleasure to meet since I landed on the shores of the Pacific.

I appreciate the complimentary terms in which the honorable Speaker has referred to me personally. For any success in government and for our progress in a higher civilization we are very much indebted to the Government and people of this great country. Your laws and your civilization have been in a great degree our model.

I reciprocate most cordially the hope for the continuance and growth of friendly relations between the two countries.

I am most happy, gentlemen, to meet you on this occasion.

The Speaker then left the chair and exchanged a few conversational remarks with the King, who thereupon withdrew from the Hall, accompanied by his suite.

ORDER OF BUSINESS.

Mr. GARFIELD. I move that the House resolve itself into Committee of the Whole on the appropriation bill.

Mr. MAYNARD. I call for the regular order of business, and I desire to make a parliamentary inquiry. It is, which takes precedence, a call for the regular order or a motion to suspend the rules for the purpose of going into Committee of the Whole on the special order?

Mr. GARFIELD. The motion to suspend the rules, of course, for it suspends the regular order.

The SPEAKER. The Chair will not entertain any business until the floor is cleared of those who were admitted to it by courtesy. The Chair desires to give ample time for retirement to those who were permitted the privileges of the floor for the reception, which has now concluded.

INJURY BY GRASSHOPPERS.

Mr. HOLMAN. Earlier in the day when there was so much confusion here I objected to the consideration of a bill for the relief of settlers who have suffered from the grasshoppers. I now withdraw my objection.

Mr. CROUNSE. I hope the bill will be now considered and passed.

The SPEAKER. The bill will be again read.

The bill (S. No. 1023) was read at length.

The first section provides that it shall be lawful for homestead and pre-emption settlers on the public lands, whose crops were destroyed or seriously injured by grasshoppers in the year 1874, to leave and to be absent from said lands until July 1, 1875, under such regulations as to proof of the same as the Commissioner of the General Land Office may prescribe; and where such grasshoppers shall reappear in 1875, to the like destruction of the crops of settlers, the right to leave and to be absent as aforesaid shall continue to July 1, 1876.

The second section provides that during such absence no adverse rights shall attach to such lands, but the settlers are to be allowed to resume and perfect their settlement as though no such absence had been allowed.

The third section extends the time for making final proof and payment by pre-emptors, whose crops have been destroyed or injured, for one year after the expiration of the term of absence provided for in the first section.

Mr. BECK. I object to that portion of the bill which provides for

what may happen hereafter. I object to providing for injury done by grasshoppers that may appear next year.

Mr. CROUNSE. Rather than have this bill defeated, I will consent to have those words stricken out.

Mr. G. F. HOAR. This is a very important bill, one that will affect many land titles, and will give rise to many lawsuits. It seems to me it employs very uncertain language. It says that if a man is "injured or considerably injured," without placing any limit. It seems to me the bill should prescribe proof of a certain degree of injury, so many dollars to the acre or something that affords a definite and fixed rate. These measures that are enacted to cure some great public evil which appeals to our sympathies are the very measures in which come in the greatest defects of legislation. It seems so me that the Committee on Public Lands can bring in and ought bring in some enactment which will give a definite and clear description of the cases for which they desire to provide relief. Has this bill been before the Committee on Public Lands?

Mr. TOWNSEND. This bill has been before the Committee on Public Lands, and has the unanimous approval and indorsement of all the members of that committee. There is nobody here but what knows the fact that for the last two years three or four of the Western States have been scourged by grasshoppers as if by fire, and the people there are now, many of them, in a state of starvation arising from the absolute destruction of their crops. The object of this bill is to give the men thus suffering the right to defer their payments to the General Government for one year, and to allow them the privilege of removing from their farms and going East to make a little money, allowing them to be absent six months from their farms. Otherwise, if they should absent themselves, as many of them must do in order to get the means of supporting their families, their lands will be forfeited, and pre-emptors and homesteaders might come in and jump their claims.

With regard to that portion of the bill which provides that the same privilege shall be accorded for any scourge from grasshoppers that may take place hereafter, that arises from the fact that it is very well known that the grasshoppers, after devastating the country during one summer, lay their eggs in the ground, and there is always a second crop of grasshoppers coming up the next year. It is to provide for that contingency that that section is in the bill.

Mr. BECK. I do not object to the bill, and I approve of all that has been said by the gentleman from Pennsylvania, [Mr. TOWNSEND.] But when the first section was read I thought it was hardly proper for us to provide for calamities that may happen in the future. As to that which has passed, I think we ought to provide for it; but we ought not to anticipate evils that may never happen. That does not seem to me like wise legislation. But if the Committee on the Public Lands desire to go even that far I will make no objection, although I do not think it is a wise provision.

Mr. LOWE. Allow me to make a single suggestion as to the provision extending the benefits of this act to the second year. These grasshopper scourges come occasionally, once in eight or ten years. The first year they come they lay their eggs, and the following season there is a crop that will do some injury; but the season after that they leave, and are not to be expected again for several years. The remedy provided here for the ensuing year is a part of the remedy applicable to the previous season. I hope the bill will be allowed to pass, for if it does not pass soon it will be of no use at all.

Mr. McLEAN. I object to the bill.

Some time subsequently,

Mr. McLEAN withdrew his objection.

No further objection being made, the bill was taken from the Speaker's table, read three times, and passed.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Tennessee [Mr. MAYNARD] calls for the regular order of business, and the gentleman from Ohio [Mr. GARFIELD] moves that the rules be suspended and the House now resolve itself into Committee of the Whole on the appropriation bill.

Mr. MAYNARD. I beg to say a single word. We are approaching toward the close of the present Congress, and so far, during this session, I may say we have given no attention to private bills. We considered one private bill on last private bill day and disposed of it. There are honest people, not a few of them, in the United States, who believe that they have just claims against the Government. They come here, go before our committees, and their claims are examined and passed upon by our committees either favorably or unfavorably. It is certainly not the most favorable aspect of free government and its administration that such claimants find it so difficult to get a hearing upon their claims. And those who do get it are generally crowded into the last ten days of the session, when bills are passed under a suspension of the rules, with very little opportunity for investigation and inquiry. Here and there are cases, and there are a few of them, that are confessedly unconscionable and unrighteous jobs, and they get through Congress at that time, and not earlier in the session when they can receive something like careful consideration. I hope the House will grant this day to private bills, according to the rules. The appropriation bills will not fail. The gentleman from Ohio [Mr. GARFIELD] need not have the slightest concern on that point. Every one of the appropriation bills will pass in due time, and will receive all the consideration it deserves.

RAILWAY FROM THE ATLANTIC TO THE MISSOURI RIVER.

Mr. HURLBUT, by unanimous consent, reported back from the Committee on Railways and Canals the bill (H. R. No. 1194) chartering a double-track freight-railway from tide-water on the Atlantic to the Missouri River, and to limit the rates of freights thereon, with an amendment in the form of a substitute; which was ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The question being taken on the motion of Mr. GARFIELD to go into Committee of the Whole on the special order, the motion was agreed to; there being ayes 91, noes not counted.

The House accordingly resolved itself into Committee of the Whole, (Mr. ELLIS H. ROBERTS in the chair,) and resumed the consideration of the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes.

The Clerk read as follows:

For postage on seeds, reports, circulars, and letters, \$52,000.

Mr. RANDALL. I hope the chairman of the committee will explain this appropriation of \$52,000. According to my view the recipients of these seeds ought to be required, and I have no doubt would be willing, to pay the postage.

Mr. GARFIELD. I should be very glad if they would. An appropriation of this kind was voted in last year by the House, not having been proposed by the Committee on Appropriations. The committee in reporting the present clause are simply conforming to the instructions of the House.

Mr. HALE, of Maine. The only way we can get anybody to take these seeds is to pay the postage on them.

Mr. RANDALL. Then we ought not to buy seeds for distribution.

Mr. GARFIELD. The amount appropriated for seeds has for three consecutive years been increased in this House above the estimates and above the recommendations of the Committee on Appropriations. If the House would return to the old line of expenditure on this subject, I would be very glad.

Mr. SMITH, of Ohio. This item for postage of seeds ought not to be struck out. These seeds are purchased and are to be distributed. If they are distributed the postage must be prepaid. If this appropriation for the payment of postage be struck out, the seeds which have been purchased will remain on hand, a dead loss.

Mr. RANDALL. Very well; I have not moved any amendment.

The Clerk read as follows:

For salaries of the district judges of the United States, including the salaries of the retired judges of the eastern district of Texas, eastern district of Wisconsin, and of the district of Delaware, \$193,000.

For salaries of the chief justice of the supreme court of the District of Columbia and the four associate judges, \$20,500.

For compensation of the district attorneys of the United States, \$19,350.

Mr. CONGER. I ask the chairman of the Committee on Appropriations to offer the same amendment to this clause that he indicated in regard to marshals; in other words, an amendment providing for mileage of the district attorneys.

Mr. GARFIELD. That amendment would be more appropriate upon the next paragraph, which has not yet been read. I will remark that a gentleman present has just informed me that a retired judge of the eastern district of Texas has recently died. If that be so, there should be an amendment in the clause making an appropriation for the salary of district judges. Perhaps some gentleman from Texas can state the fact in this matter. If not, the clause can be corrected, if necessary, in the Senate.

Mr. WILSON, of Indiana. The gentleman from Michigan [Mr. CONGER] has made a suggestion with reference to mileage. I may state that a bill on that subject is now before the Committee on the Judiciary, and will be reported at the earliest practicable moment.

Mr. CONGER. That bill may not pass.

Mr. GARFIELD. Any amendment on that subject will be more appropriate to the next clause.

The Clerk read as follows:

For compensation of the district marshals of the United States, \$11,900: *Provided*, That the provisions of an act making appropriations for the support of the Army for the fiscal year ending June 30, 1875, approved June 16, 1874, which prohibits the allowance of mileage to persons holding employment or appointment under the United States, shall not be so construed as to apply to the legal traveling-
fees of United States marshals or deputy marshals.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to move to amend by adding to the clause just read the following:

And all accounts of said marshals, or their deputies, for expenses and mileage incurred subsequent to the 1st day of July, 1874, shall be audited, allowed, and paid in accordance with the provisions of an act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, in the same manner as if said act had not been passed.

I desire to state—

Mr. CONGER. I wish to offer an amendment to this amendment.

Mr. GARFIELD. I trust the gentleman will let me finish my statement. The clause which the committee now propose to add is designed to correct a construction of law which the Committee on Appropriations believe not to have been intended by the House in passing the mileage restriction last year. In the Army appropriation bill

a clause was reported requiring that hereafter persons holding appointment under the United States should be paid actual traveling expenses instead of mileage, in accordance with the practice in the Army. The question was raised at that time whether this would apply to others than Army officers, and the general opinion was that its operation was restricted to the Army, because it was put upon the Army bill. But by a decision of the Attorney-General it has been declared to apply to others as well as Army officers. I am disposed to think that the strict letter of the law did apply to marshals and deputy marshals as well as Army officers. But these marshals and deputy marshals receive a very small salary, two or three hundred dollars apiece, the balance of their pay being expected to be made up by fees. The traveling fees allowed under the mileage law of 1853, a special act relating to deputy marshals, has been decided to be repealed by the provision in the Army bill of last year. The committee did not intend to reach this class of officers, but it has substantially taken away a large share of their pay in the form of fees allowed in that act. We therefore declare in this proviso we so far modify the proviso in the Army appropriation bill of last year as that it shall not apply to marshals and deputy marshals, but that they shall be settled with and their mileage fees paid in accordance with the act of 1853, under which they have hitherto been paid.

Mr. POTTER. Mr. Chairman, I now rise to move to strike out this proviso to the section under consideration. I had risen to make the point of order upon this proviso that it embraced new legislation, and therefore was not in order to an appropriation bill, but the chairman of the Committee on Appropriations, if I understood him correctly, has informed us that under a suspension of the rules the House had heretofore authorized such a provision to be submitted to this bill in Committee of the Whole. I was not aware its insertion had been allowed; but if so, it is in order, and therefore I move now to strike out the proviso.

To my mind, Mr. Chairman, this is another illustration of the viciousness of general legislation in appropriation bills. I do not myself believe the law passed at the last session of Congress was not intended to apply to marshals and their deputies. On the contrary, so far as I understood the debate at the time, the change was to apply to all civil officers. However that may be, the Attorney-General has decided the law does apply to civil officers generally. Now, it may work hardly in some cases, and some provision should be made for such cases, but I am satisfied that we cannot do justice to that subject by legislating upon it here. The Judiciary Committee has now before it, Mr. Chairman, a bill embracing this whole subject. They have considered it, and will, as soon as they have an opportunity, report upon it, and then the House can legislate independently and intelligently on the subject. I apprehend that under the system of mileage proposed to be revived by the amendment of the gentleman from Ohio we shall again have great abuses in respect to certain mileage fees. We have upon our tables an executive document relating to this very matter. But this letter of the Attorney-General and the accompanying papers, so far as I have read them, furnish no reason for believing the abuses which existed under the old law will not continue if this proviso be adopted. It is well known that the marshals have been in the habit of sending through the mails writs to be served by some local officer in the district or county in which the person resides upon whom the writ was to be served deputizing him for the purpose, and when the writ is returned mileage has been charged for this constructive service. The method of service was proper, but the charge in such cases was an abuse. The abuses which thus resulted under the old law were serious and deserved correction, and will result from the restoration of the law in that respect if this proviso be adopted. I think it would be better, therefore, for the House to strike out the proviso altogether, and leave the Committee on the Judiciary to report to the House a bill in which this particular subject shall be treated by itself. I make, therefore, to apply when in order, a motion to strike out this proviso.

Mr. WHEELER. Mr. Chairman, as I had charge of the Army appropriation bill at the last session of Congress, I wish to reply to some attacks which have been made upon it. The Committee on Appropriations then made no report on this subject at all. This provision in the Army appropriation bill was put in on motion of the gentleman from Kentucky. I want gentlemen to understand, however, that the committee of conference and the House on that occasion knew precisely what they were about. This provision was intended to apply to marshals and their deputies. That there was great abuse under the old system cannot be denied. I am not able myself to agree in the action of the Committee on Appropriations in consenting to restore the old law. I think the Judiciary Committee ought to bring a bill in here providing for compensation to be paid by name; that is, that the service ought to be designated and paid for by name. These marshals and their deputies ought not to be paid constructive mileage fees. A marshal or deputy-marshal who has subpoenas to serve frequently sent them through the mails to some friend living five or six hundred miles off, not traveling a foot of the distance himself, and when they were returned served, pocketed the entire mileage fees. I think this should be regulated so we shall pay only for the identical service by name.

Mr. POTTER. Let us strike out this proviso, and let the Judiciary Committee report a bill to be acted on by itself.

Mr. CONGER. Mr. Chairman, I have taken occasion during the

recess, in the office of the district marshal of Michigan, to examine one hundred cases, perhaps, of regular fees of marshals under the old law and of the fees which they would receive under the present law, as provided for in the Army appropriation bill of last year. In that one office deputy marshals have gone hundreds of miles to serve writs and arrest offenders, and have expended in the aggregate between four and five thousand dollars of their own money in the service of the United States, without knowledge any such construction had been put upon the law; for this construction by the Attorney-General has been made only within a very short time. To-day no marshal will take a writ, no marshal will dare take a writ, unless he is rich enough to bear the expense of serving his country for nothing; for that will be the effect of serving it under this construction of the law. The law allows two dollars for the service of a writ in an ordinary case. Even if it be sent, as the gentleman suggests, by mail to the deputy marshal four hundred, or five hundred, or one hundred miles off, requiring a service or an arrest, there is two dollars allowed and no mileage. The deputy marshal must go within the bounds of his bailiwick, wherever it may be—frequently in parts of the country where there is no public conveyance—at an expense of fifteen or twenty dollars, to serve the writ and return it by mail.

Mr. POTTER. May I ask the gentleman whether, if the marshal is obliged to pay the deputy for the service, he is not allowed for it now; not mileage, but the actual expenses?

Mr. CONGER. He is allowed according to a fee-bill only.

Mr. POTTER. He is allowed the actual cost.

Mr. CONGER. He is not allowed the actual cost.

Mr. POTTER. That is the law.

Mr. SPEER. He is allowed the actual expenses of traveling, but not the fees at so much a mile.

Mr. CONGER. Then suppose that to be the case; the actual expenses of traveling are computed according to the cost of travel by public conveyance, and not by the hire of teams in new parts of the country; not by traveling through the wilderness. And more than that, no man is allowed one dollar for expenses unless he brings a voucher, and the Department construes the voucher to be a fee bill receipted and certified to by the proper officer, and will not take even the affidavit of the party as to the necessity of the expense.

Now, whatever gentlemen may think about it, if they will go into the office of any marshal in the United States they will find there accumulated fees, not to the marshal, but to the deputies, to the amount of thousands of dollars, withheld from men who are little able to bear that expense.

This, with the last amendment offered by the chairman of the Committee on Appropriations, restores to men their fees for services which they have performed before there was any announcement by this Government at all that they were not to receive the usual fees or the usual mileage. And has it come to this, and will gentlemen advocate it, that we will pass a blind law in Congress, and that it shall remain for six or seven months on our statute-books, and be a blind law in itself, and have no construction from any Department?

Mr. SPEER. There is nothing blind in the law, as will be seen if the gentleman will permit me to read it. It is as plain as the sun in the heavens.

Mr. CONGER. The gentleman says so because his perception is so remarkably clear.

Mr. SPEER. Let me read the law, and I think it will be clear even to the perception of the gentleman from Michigan.

Mr. CONGER. I have no doubt that the gentleman can see what others cannot see. As Shakespeare says,

He has gotten him glass eyes, and like a needed politician,
Pretends to see the things that he sees not.

No other man has seen this. All the other officers of the Government supposed that in an Army bill the law referred to Army officers. I admit that my friend from Kentucky [Mr. BECK] very likely knew that it was a sweeping clause which would receive this construction, and I suppose he moved it with full design and knowledge of what he was about, to bring this Congress into disrepute with all good men in the land, as it has done, and as always will be done whenever such blind laws are passed to affect, not the rich, not those who can bear such expenses and give their services gratuitously to the country, but to affect the poor deputy marshals who travel night and day, in rain and storm, to serve the processes of the Government at their own expense; and then months after this service has been rendered and their accounts presented to the Government they are told the Attorney-General has construed the Army bill to cut off all traveling expenses of the civil service.

I do not care for what purpose that section of the bill of last year was offered or intended to be offered. If it works hardly upon men who have rendered service to their country under the laws as they believed them to exist, then this amendment ought to be adopted by this Congress, and let them have their accounts settled under the law as they supposed it then existed and commence again with a plain law. I am free to say that I am glad that the Committee on the Judiciary have taken it in hand to revise this whole subject of fees and salaries of officers.

Mr. BECK rose.

Mr. CONGER. I am not quite done. I wish to move to insert in this amendment "district attorneys of the United States" before the word "marshals;" for the same rule applies to them.

The CHAIRMAN. The Clerk will report the amendment to the amendment offered by the gentleman from Michigan, [Mr. CONGER.] The Clerk read as follows:

Before the word "marshals" insert the words "district attorneys of the United States."

Mr. CONGER. I wish to say a word on that amendment.

The CHAIRMAN. The gentleman's time has expired.

Mr. CONGER. I desire to speak on a new subject.

Mr. RANDALL. The rules were not suspended in relation to district attorneys. I raise that point, this is a change in existing law.

Mr. CONGER. I wish to say a word on the point of order.

The CHAIRMAN. The Chair is informed by the Clerk that the words used by the gentleman from Michigan in his amendment are in the amendment moved by the member of the Committee on Appropriations, [Mr. GARFIELD.]

Mr. GARFIELD. O, no. The words "district attorney" are not in my amendment. I recite the title of the act. I say that those marshals and deputy marshals shall be paid, &c., in accordance with an act in the title of which the words "United States marshal" occur.

Mr. RANDALL. But there was nothing in the amendment of the gentleman to reach district attorneys.

Mr. GARFIELD. O, no; there was not.

Mr. CONGER. Now, I ask the chairman of the committee to give me his attention for a moment. I do not wish to have any hard feeling about the matter, and especially with my friend from Ohio, [Mr. GARFIELD.] When my friend from Ohio made the motion that it should be in order to introduce the subject of marshals, I rose and asked him to allow me also to include district attorneys, and the gentleman in the hearing of the House said, "O, that amendment will be germane."

Mr. RANDALL. O, he cannot bind me.

Mr. CONGER. The gentleman need not rise in that way. I do not propose to bind him at all. When that request was made of the House, and when the chairman of the Committee on Appropriations said that an amendment such as I desired to offer would be germane, I did not object to his request.

Mr. GARFIELD. No, I did not say it would be in order.

Mr. CONGER. The gentleman said it would be germane.

Mr. RANDALL. That is a question for the Chair to decide.

Mr. CONGER. The House then assented to this proposition on that statement.

Mr. MAYNARD. Does that appear on the record?

Mr. GARFIELD. The gentleman offered an amendment to the clause relating to the compensation of district attorneys, and I said that the next clause related to mileage, and that the amendment would be in order there—

Mr. CONGER. I am not speaking of to-day; I am speaking of the time when the gentleman moved to make this amendment in order.

Mr. GARFIELD. If I said what the gentleman alleges I have forgotten it.

Mr. RANDALL. That does not bind me anyhow.

Mr. GARFIELD. I will, of course, stand by anything I said.

Mr. RANDALL. I make the point of order that the amendment is not germane.

Mr. KELLOGG. I submit that the House is bound in good faith to carry out the agreement made by the gentleman from Ohio, [Mr. GARFIELD.]

Mr. RANDALL. The gentleman unfortunately does not show his usual astuteness in making that suggestion. The House is not bound by any statement which may have been made by the gentleman from Ohio.

The CHAIRMAN. The point of order of the gentleman from Pennsylvania is that the amendment of the gentleman from Michigan is not in order, because it changes existing law. The gentleman from Michigan responds that it is germane to that which was made in order by the House. The Chair rules that the permission to introduce new matter related specifically to the offices of marshal and deputy marshal, and under the resolution of the House, which he has before him, he feels bound to rule that the amendment of the gentleman from Michigan is not in order.

Mr. CONGER. Does the Chair rule that my amendment is not germane to the pending amendment?

Mr. BECK obtained the floor.

Mr. CESSNA. I appeal to the gentleman from Kentucky to allow me to offer an amendment which I think will remove all difficulty.

Mr. BECK. That may be done hereafter.

Mr. CONGER. I feel the importance of this matter so much, that contrary to my usual practice, I shall appeal from the decision of the Chair.

The CHAIRMAN. The Chair can, of course, take no exceptions to the appeal of the gentleman from Michigan, but the decision of the Chair is in accordance with all precedents.

Mr. WHEELER. Let me say to my friend from Michigan that there is no rule of the House better settled than that when the House suspends the rules to make a matter in order in Committee of the Whole, only that precise matter can be brought before the committee and nothing more.

Mr. CONGER. Is it now the rule of the House to admit anything as an amendment which relates to the matter for which the House suspended the rule?

Mr. WHEELER. Not at all. The House admitted this identical matter and no other. Everything is germane as an amendment which does not effect a change in the existing law in regard to the matter embraced in the amendment admitted.

Mr. CONGER. I will withdraw the appeal. But I desire to say a word in answer to the chairman of the Committee on Appropriations.

Mr. RANDALL. I do not think this debate is in order.

Mr. CONGER. When the chairman of the Committee on Appropriations makes such statements as to mislead me, he has done it for the last time.

Mr. GARFIELD. I desire to say that I should be very unwilling to have any gentleman here, particularly my friend from Michigan, [Mr. CONGER,] suppose that I would act in any kind of bad faith in regard to this matter. If I gave my word that I would help to put that clause on, I would do all in my power to do it. If I did so I have forgotten it. I did not make the point of order against the gentleman, but being made by others, it is beyond my control.

Mr. BECK. I did not expect to take part in this debate at this time, and would not now but for the fact that attention has been called to a provision of the Army appropriation bill passed at the last session of this Congress, to which bill I had the honor to offer an amendment that became part of the law, which I will read:

Provided, That only actual traveling expenses shall be allowed to any person whatever in the service of the United States, and all allowances for mileage or transportation in excess of the amount actually paid are hereby declared illegal, and no credit shall be allowed to any of the disbursing officers of the United States for payment or allowance in violation of this provision.

Suggestions have been made here to-day that the House then understood that provision as applying only to officers of the Army and Navy. The gentleman from New York [Mr. WHEELER] very properly states that it was intended to apply to all the officers of the United States. It was discussed freely before the House when it was offered, and in that discussion I took occasion to say:

If I may be allowed another word, I would say that I am afraid the committee do not fairly comprehend the scope of the amendment. My intention by this amendment is to apply it to all persons, no matter whether in the Army, the Navy, or anywhere else, so as to pay them actual expenses and make all their other allowances equal.

The gentleman from Connecticut [Mr. HAWLEY] announced the same fact in some remarks that he made, and so did a number of other gentlemen. No suggestion was then made that there was any misunderstanding about it, as in my judgment none could properly be made.

Mr. KELLOGG. Did not the gentleman refer to civil employes in the Treasury Department and other Departments? Is there a word in that debate in reference to officers serving process?

Mr. BECK. I do not know what other gentlemen had in their minds; I know what I had reference to. I was advised by gentlemen on all sides that the grossest abuses had grown out of the practices of marshals and deputy marshals in their charges. I hold in my hand a report made at the last session, Report No. 620, which every member ought to read, in which the fact was made to appear that the moneys paid to the marshals in the western district of Arkansas alone, from June 30, 1871, to June 30, 1873, were \$724,059.29; while up to that time the average expenses of that district did not exceed \$24,000 a year. And testimony was had (it is here in this document) showing that the greater portion of that amount was for fraudulent constructive traveling expenses, for work never done, for traveling never thought of; that men often were brought ten miles only or summoned on the spot, and mileage charged from Washington and back. I regarded that as one of the grossest abuses that could possibly exist.

I do not want marshals or deputy marshals to work for nothing; I want all men paid fair fees for labor performed. But I want this constructive mileage cut off. And if the law does not allow them pay enough without allowing them to rob the Treasury in this indirect and fraudulent way, then change the law so as to pay them properly. The record I refer to presents a flagrant case. Gentlemen will find on examination that the fees of these marshals and deputy marshals in other districts have been fraudulently increased in this indirect way. Why, sir, this summer proof was laid before the country, that in the State of Alabama men were carried from Northern Alabama to Mobile through two judicial districts, when there were commissioners in the county of their residence before whom they could have been examined; and all that was done in order to swell the fees of officials. If there is any abuse more flagrant than any other, it exists in this matter of marshals and their deputies.

Let this proviso be stricken out, and let the Committee on the Judiciary perfect a bill paying these men fairly and honestly for the work they do in the legitimate performance of their duty. But do not hold out to them the inducement any longer to defraud the Treasury and deceive the Government and the people. Whenever the opportunity comes—this is not the proper time, perhaps—I will show that this whole Department of Justice is a Department of flagrant injustice, and from its head down is rotten to the core; that it is hiding and concealing crime and perpetrating acts all over this country that are a disgrace to humanity.

[Here the hammer fell.]

Mr. CESSNA. I offer a substitute for the pending proviso and the amendment of the chairman of the Committee on Appropriations,

[Mr. GARFIELD.] The substitute is substantially the bill as agreed to and recommended by the Committee on the Judiciary, which committee has this subject before them.

The substitute was read, as follows:

That the proviso in the sixth paragraph of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes," approved June 16, 1874, shall only be held and considered as applying to officers of the Army and clerks and employees of officers of the Army and of the War Department. And all accounts of attorneys, marshals, clerks, and all officers except officers of the Army and clerks and employees of officers of the Army and of the War Department, for mileage and for expenses incurred subsequent to the 1st day of July, 1874, shall and may be audited, allowed, and paid at the Treasury Department of the United States in the same manner as if said act had not been passed, and that for services hereafter rendered no constructive mileage shall be allowed or paid to marshals or other officers of the United States; but in auditing, settling, and paying such officers for services, allowances shall only be made for the number of miles actually traveled by them in the service of process or performance of official duties.

Mr. HOLMAN. I make the point of order that the amendment is not germane, as it goes far beyond the scope of the provision authorized to be offered as an amendment.

Mr. CESSNA. I was fully aware that this point of order, if raised, would be sustained. But I beg the gentleman to withhold his point till I can make a single explanation.

Mr. HOLMAN. I shall insist on the point of order in any event; but I do not object to the gentleman being heard.

Mr. CESSNA. I wish to make a brief explanation of what the amendment covers.

The CHAIRMAN. If no objection be made, the gentleman will be heard.

Mr. CESSNA. I wish to say but a single word. The amendment I have offered is in the precise form of a bill directed to be reported by the Committee on the Judiciary. It embraces three propositions: First, it proposes to enact that hereafter the proviso in the Army appropriation bill of last year shall be construed and held as applying to Army officers only. In the next place, it provides that services rendered by other officers heretofore shall be settled and adjusted under the laws as they existed before the passage of that proviso. Thirdly, it provides that for all services rendered hereafter constructive mileage shall be abolished; that the abuse shall be removed; that the only allowance made shall be for actual travel.

I hope the gentleman from Indiana [Mr. HOLMAN] will not insist on his point of order, because if the amendment be allowed to come in it will save the Judiciary Committee the trouble of making their report at some future time.

Mr. BECK. If the gentleman from Indiana does not insist on the point, I shall. The Army officers are those with whom there is least liability of abuse in this matter.

[The amendment of Mr. CESSNA was withdrawn.]

Mr. SMITH, of New York. I move to amend the amendment of the Committee on Appropriations by adding thereto the following:

But no fees shall be allowed for constructive mileage; and every claim for mileage shall be accompanied by sworn proof that the distance for which mileage is claimed was actually and necessarily traveled by the officers.

I believe that this amendment is not obnoxious to the objection which has been made upon the several points of order which have been raised heretofore. It provides that the fees of marshals, so far as they shall be allowed, shall only be for actual travel, and not for constructive mileage. Now, sir, upon that subject I desire to have read from the Clerk's desk a letter from the Comptroller of the Treasury, which relates simply to the mileage in the northern district of New York. It was secured for another purpose, but has some bearing upon the question now pending before the committee.

The Clerk read as follows:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., March 13, 1874.

SIR: In compliance with your request of the 10th instant I have caused an estimate to be made of the amount of mileage paid for travel, as shown by the accounts of the United States marshal, during the fiscal year ending June 30, 1873. Taking as a basis the mileage contained in the vouchers accompanying the account for one of seven sessions of the courts held during the year, it is estimated that the allowances for the whole year amounted to \$23,000, of which about \$10,000 was for travel going to serve process, and about \$13,000 was for travel of deputies and guards with prisoners.

What part of the travel was constructive I am unable to say. The charges in the accounts are made as if travel was actually performed in all cases.

Very respectfully, your obedient servant,

R. W. TAYLER,
Comptroller.

Mileage paid to witnesses by the marshal amounted to about \$24,000. The district attorney's mileage amounted to \$10,334.

Hon. H. BOARDMAN SMITH,
House of Representatives.

Mr. SMITH, of New York. Now, Mr. Chairman, I do not understand that the gentleman from Michigan [Mr. CONGER] or the chairman of the Committee on Appropriations [Mr. GARFIELD] desires to insist that these marshals shall collect their pay henceforth for constructive mileage. I concede that some amendment of the act passed at the last session should be adopted; but if this constructive mileage is restored, we restore an abuse of the very greatest magnitude, which has been very fully explained heretofore. Why, sir, in my own district a subpoena writ, for instance, sent from the city of Buffalo to a deputy marshal upon Lake Champlain, is served and returned to Buffalo at an expense of two postage-stamps; yet mileage is charged for nearly five hundred miles.

Mr. MAYNARD. And for every witness named in the subpoena.

Mr. SMITH, of New York. And my friend adds for every witness named in the subpoena. The result of this is that the expenses of litigation in a civil action are so enormous that when a man in my district is sued in the district or circuit court he prepares himself to go into liquidation.

Mr. CONGER. The law now provides expressly that there shall be but one mileage charged for witnesses in the same subpoena.

Mr. SMITH, of New York. I beg the gentleman's pardon. I was incorrect in what I stated. The law provides that there shall be but two mileages for service at the same place. I was incorrect before; the gentleman is incorrect now. I desire to have read from the Clerk's desk a part of a letter which was received during last winter from the district judge of New York, who is now dead.

The Clerk read as follows:

The distance from Buffalo to the extreme northeastern corner of the district and other points in the district, by the ordinary routes of travel, is nearly or quite five hundred miles; and in a large proportion of the cases in court witnesses are subpoenaed and attend at a court from one hundred and fifty to five hundred miles from their places of residence. The mileage of these witnesses and of the deputy marshals is enormous, as you can see by examining the accounts of the marshal for the last January term of the district court, when the fees of witnesses amounted to \$5,025.50, and of deputy marshals embraced in the term accounts amounted to \$4,635.78. (See also marshal's accounts for January, March, and May terms, 1871.)

The fees allowed the district attorney for the travel of his assistants to attend examinations before commissioners (such assistants being paid salaries directly from the Treasury) are, in consequence of the great size of the district, enormous, the travel fees of a single assistant having in one instance amounted to \$840 in fifteen consecutive days. (See Mr. Dorsheimer's quarterly account for quarter ending September 30, 1869. See also his accounts for the next and subsequent quarters.)

The extravagant allowances paid for travel make it the interest of most of the officers to disregard more important duties and promote the prosecution of trifling offenses, many of which would not have occurred if the revenue officers had done their duty; and I am sorry to say there is much reason to believe the temptation is at times strong enough to overcome the inclination and obligations of duty.

Very respectfully, yours,

N. K. HALL.

Mr. SPEER. I think there should be some modification in the existing law in reference to the payment of marshals; but that we should return to the old system of paying them I do not believe. The present law provides that only actual traveling expenses shall be allowed to any person holding employment or appointment under the United States. The gentleman from Michigan [Mr. CONGER] has insisted that the law does not make any such provision, and that I, in so stating, saw what was not to be seen, implying that—

He must have optics sharp, I ween,
Who sees what is not to be seen.

Mr. CONGER. I made the remark in reference to the construction of the law as applied to others than Army officers.

Mr. SPEER. I do not know how any court could give the law any such restricted construction in view of the language used and the discussion had in this House at the time of its passage.

Now, injustice may be done marshals to this extent: A marshal may be paid only his actual expenses in serving a writ, while as the law now stands there is no provision for payment for his time spent in such service. There is no provision in the law for the payment of the time consumed in that service. It may take him ten days, and his expenses each day may be three dollars. He would get thirty dollars, and thus lose his time. The law should be changed, I think, so as to provide a proper compensation for the time consumed.

But, sir, to return to the old system is a proposition so utterly unjustifiable, that I am at a loss to know what reason could induce my eloquent friend from Michigan to advocate it. He must have some marshal in his district who rendered most valuable service in the last campaign, and whom he seeks to reward in this way.

Mr. CONGER. I needed the assistance of no marshal in my district during the last election.

Mr. SPEER. But I suppose you had it.

Mr. CONGER rose.

Mr. SPEER. I have not time in the five minutes allowed me to yield further to the gentleman.

Mr. CONGER. I wish to ask a question about this business. Would it not be proper to settle the accounts for services already rendered up to the time when the United States Attorney-General gave his construction to this law?

Mr. SPEER. They will be settled under the old law up to the time of the passage of this one.

Mr. CONGER. That is all I have asked.

Mr. SPEER. But how did the old law operate, Mr. Chairman? Take, for example, the western district of Arkansas, referred to by the gentleman from Kentucky, [Mr. BECK.] There from 1871 to 1873 inclusive the judicial expenses were \$724,000, and of that sum there went to the marshal, after paying witnesses and juries and other court expenses—there went to the marshal of that district the enormous sum of \$528,000, which went largely into the political corruption fund of that desolated and suffering State. That is the system to which the gentleman from Michigan now proposes to return, to pay the marshals for thousands of miles never traveled in the service of subpoenaing witnesses or the service of notices to jurors. They sit in their offices and these notices are sent out by mail to the jurors, and now the gentleman proposes to have them charge the Government mileage to every nook and corner of their districts. It is most mon-

strous and unjustifiable. In this department of Western Arkansas we had in 1873 the enormous expense of \$283,000, and in 1872 the more enormous expense of \$321,000. By the report of the Attorney-General for the last fiscal year we have in that district an expense of \$88,000. Two years ago it was \$321,000, and one year ago it was \$283,000, while last year it came down to \$88,000, and next year it ought to come down to \$25,000. There has been more than one-half million dollars stolen, absolutely stolen, by the marshals of that district, and much of it pocketed by the political vampires who secured their appointment and retention in office.

Take the case of one district in North Carolina, the eastern district of North Carolina. The expense last year was \$147,000. Who believes that to have been legitimate and honest? That State has been run to a large extent in the same way in which Arkansas has been run, by political thieves and scoundrels and vampires, and today, if they have not been allowed since Congress adjourned, there are thousands of fraudulent vouchers tied up in the Auditors' office. No sooner did we adjourn, if my information is correct, than men in high political position in this and in the other end of the Capitol went as doves to the Treasury Department to influence the proper officers to pass these fraudulent vouchers. We had from forty to fifty thousand dollars tied up last June which I trust have not been allowed, although pressed by high political influence since the adjournment of the last Congress; vouchers which are fraudulent.

I think, Mr. Chairman, there should be a modification of the law, but it should not be in this bill. Let the law stand as it is, and let the Judiciary Committee, after proper consideration of the subject, report such a bill as they believe from the experience of the past is just and proper.

[Here the hammer fell.]

Mr. KELLOGG. I move to strike out the last word. I agree with the amendment of my friend from New York, that constructive mileage should all be stopped. I wish to say that while the law undoubtedly includes the marshals and deputy marshals and is correctly interpreted by the Attorney-General, I do not think there was any reference in the debate to officers serving processes whose fees were to be taxed in court at the time the provision was put in the Army bill last year. I do not think that was alluded to in the debate at all when this provision was put in, but the debate had reference to Army officers and officers belonging to the several Departments here. But I will say here to my friend from Kentucky [Mr. BECK] and others that the only trouble about these frauds in the taxation of officers' fees for serving process is that they have got corrupt judges and corrupt courts. If they had honest judges and honest courts, as we always have in New England, there would be none of this abuse and trouble. There ought to be none of this constructive mileage; and if the judge, in the exercise of the taxing power of the court, is honest, and his attention is called to it by the counsel on one side or the other, there can be none of this constructive mileage.

Mr. HEREFORD. Will the gentleman allow me to interrupt him with a question?

Mr. KELLOGG. Yes; if it is not too long.

Mr. HEREFORD. The gentleman says this is the result of corrupt courts and corrupt judges. I wish to ask the gentleman who appoints these judges, and what branch of the Government confirms the appointment?

Mr. KELLOGG. You had the appointing of them for a great many years by your administrations, and somebody else has had it, of late years; and if there be not some improvement in them in many places from what they formerly were, we are very much mistaken. But no matter about that. Courts are very much like the people where they are.

As to the point made by my friend from New York, he has a district, he says, where you have to travel five hundred miles to go from one end of it to the other. If an officer actually travels that distance he ought to be paid something for his time. It is not enough that he shall have his bare expenses; and if the law is not right now, and we did not make it right by this provision, we ought to correct it. By that law we said just this to every marshal: You shall go over a railroad a distance of one hundred and fifty or two hundred miles, or whatever it may be, and you shall not have one cent for your time; you shall go that distance to serve this process, and you will get what you pay for your railroad tickets and for what you eat, but to get that you must have a voucher from the railroad company; and no marshal or deputy ought to be put in this position.

Now, my friend from Kentucky, [Mr. BECK,] in proposing this amendment to the Army bill last session cutting off all mileage, did what he is very apt to do. If he sees a head that he thinks ought to be hit he goes for it, and hits half a dozen which ought not to be hit at the same time. And he did just that thing by this provision. He cut off not only all chances of fraud, as he says, but every honest marshal and deputy marshal's chance for pay for serving process; and the consequence is that you cannot get an honest marshal to do this work in many places; and they ought to have fair pay for serving process.

Let me say one thing more. There is another thing the gentleman from Kentucky [Mr. BECK] got into an appropriation bill and made a tremendous noise about it—a provision for covering all moneys into the Treasury at the close of the fiscal year. I think my friend must have heard from some claimant in his district by this time, who had

a valid claim, who had his papers all right, and should have been paid, but did not happen to be paid before the 30th of June last, so that every dollar of the fund from which he could be paid and the money to which he was entitled had to go into the Treasury on the 30th of June last. That money has all to be reappropriated, and persons entitled to their pay have to lie out of it another year.

And this very session the Secretary of the Treasury has to send to us a long list of scores of honest claimants who have been shut off in this way, just as they were to be paid, in consequence of that provision introduced by my friend from Kentucky. When he sees an evil he sees it so strongly that he often strikes at the good with it, and I think from the experience we have had we ought to be a little careful about adopting his suggestions in amending appropriation bills.

Mr. RANDALL. I wish to suggest another amendment, which perhaps gentlemen on the other side will not object to.

The CHAIRMAN. The power of amendment is at present exhausted.

Mr. CONGER. I should like to hear what is the gentleman's suggestion.

Mr. RANDALL. In line 1690 I would insert the word "hereafter;" so that it will read, "shall not hereafter be so construed."

The operation of this act, if passed, would run back twelve months. Now, I have not heard that any marshal felt so far injured that he resigned because of the cutting down of these fees or perquisites. Therefore, if this amendment is to be made in this bill, the word "hereafter" should be inserted.

Mr. CONGER. That is not an amendment to the pending amendment.

Mr. RANDALL. The gentleman asked me to state the suggestion which I wished to offer as an amendment, and I have stated it.

Mr. CONGER. The pending amendment is to permit the accounts of marshals to be settled up to this time, under the old law. The provision in the Army bill cutting off the fees of marshals was not construed by the Comptroller and by the Attorney-General of the United States until long after the service had been rendered. And there is an evident propriety in giving marshals the fees they were entitled to, and which they all supposed they were entitled to under the old law up to the present time. That is the amendment now pending the amendment last offered by the chairman of the Committee on Appropriations, and I hope it will be adopted.

Now, Mr. Chairman, I want to say this: There is presented here a statement of the marshals' fees in Arkansas. The gentleman from Pennsylvania says that they were too great. He says they were improper. No doubt they were great; it is assumed that they were improper, and that is made the burden of a charge against all marshals all over the country.

Mr. SPEER. I said that nine-tenths of them were fraudulent in Arkansas, as is proved by the most abundant testimony which has been printed by order of the House.

Mr. CONGER. The gentleman says now they were fraudulent; but he only said before that they were large.

Mr. SPEER. Not at all. I spoke loud enough to be heard, and I said what I say now. I say now that nine-tenths of the amount was fraudulently obtained and that \$500,000 was stolen from the Government in that Department during three years.

Mr. CONGER. I wanted to call the gentleman out. I thought that he would make assertions which he could not maintain.

Mr. SPEER. Sir, they are proved by evidence, and abundantly proved; they were proved before a committee of the House last session, and the House passed a bill abolishing this District which hangs fire in the Senate.

Mr. CONGER. When the gentleman is through I will go on with my own remarks. Does the gentleman object to paying marshals for services performed since the law was passed? If not, why will he not vote to pay them with an amendment, so that no constructive mileage shall be paid—an amendment similar to that offered by the gentleman from New York? To such an amendment I have no objection. I have no desire that any fees or any improper or unjust pay for services shall be received by these marshals; but let gentlemen at the proper time make a law to prevent pay for services pretended to be rendered, and I will vote for it. I will not, however, assist in depriving men of pay for services actually rendered.

Mr. G. F. HOAR. I have an amendment which I wish to have read for information, and which I shall propose when it is in order. It is to add after the word "construed," in line 1691, the words "to deprive United States marshals or deputy marshals of so much of their legal traveling fees as shall be allowed by the court to which the writ is returnable as a reasonable compensation for actual expense and trouble in the service of the same."

I suppose there are some cases in which constructive mileage may properly be allowed. For instance, take the case put by the gentleman from New York, of a subpoena sent to Buffalo but which has afterward to be returned to Lake Champlain. That subpoena may be returned because the witness may be fleeing from the service of the process and there may be some time lost in the service. In such a case the officer should unquestionably be allowed something for his trouble in serving the subpoena. There are undoubtedly great abuses, such as the gentleman from Pennsylvania [Mr. SPEER] has alluded to with a great deal of warmth; but this amendment cuts them all up by the roots, except that it leaves to the court to which

a process is returnable the power of allowing a fee and reasonable compensation to the marshal for his actual trouble.

Now, it was said by the gentleman from Pennsylvania, and it is unfortunately true, that there are instances of corrupt judges who would aid the marshal in defrauding the Treasury or parties, whether the process be in a civil or criminal case. But, Mr. Chairman, whenever you have got a corrupt court, upon it depends the decision of rights to property, the preservation of order in the community, and everything else; and when the integrity of the judiciary goes down, all this goes down with it, and it is impossible for us to make laws based upon any other theory than the theory that the judiciary of the country is pure. If a judge will combine with an officer of the court or with parties to defraud, there is no legislation in a particular form which can prevent that theft. It is as impossible as to resist the cause of evil in nature everywhere. The only remedy is in the silent but sure remedy of a returning sense of justice in the people, leading to the punishment of the offender by their Representatives here through the process of impeachment.

It seems to me that this amendment will substantially cure all the evils complained of in this Department, except in those cases where the judge himself is corrupt; and in those there is no legislative remedy.

Mr. DURHAM. I desire to say but a few words upon the question now before the committee, and I am led to do so from the fact that I was a member of the committee at the last session that investigated the affairs of the western district of Arkansas; and I was led to investigate this whole question as to the fees of marshals. I am satisfied with the law as it now stands, and which I understand to be embraced in the proposition submitted by my colleague [Mr. BECK] at the last session. If it turns out that those fees are not enough, they should be made enough by law.

I am opposed to this constructive mileage. The whole investigation that we made into the affairs of the western district of Arkansas (and I apprehend there are other districts like that) goes to show that there were large frauds practiced upon the Government by means of constructive mileage. I might give you instance after instance where the marshals charged four or five times as much as they were entitled to. And I understand furthermore that this was not an uncommon thing. A marshal is directed to summon a jury, either a petit or a grand jury, for the circuit court of the United States. He addresses a letter to each of the persons he is directed to summon, and then charges mileage for it. He charges mileage for two hundred miles from his residence the same as if he had got on a railroad or a steamboat or upon the outside of a horse, and he collects mileage for the whole distance. Now, is that fair and right? I say the whole thing is embraced in a proposition passed by the House upon the motion of my colleague. If a man is entitled to pay for his services, let it be upon the actual service rendered, and not by way of constructive mileage.

I apprehend that my friend from Michigan [Mr. CONGER] when he comes to read this report concerning the western district of Arkansas will not propound an inquiry, as he did to-day to the gentleman from Pennsylvania, [Mr. SPEER,] as to whether any frauds were alleged to have occurred in the western district of Arkansas. So plainly and so palpably were these things brought home to the knowledge of the House last session, that by a unanimous vote the House resolved to abolish the western district of Arkansas; not only to turn out the unfaithful marshals, but to absolutely turn out the judge who had been presiding there. And I believe that any man who will look at this question fairly and impartially will come to the conclusion that this matter of constructive mileage is all wrong.

[Here the hammer fell.]

Mr. HALE, of Maine. I have no objection, I think no one ought to have, to this matter of the pay for services of marshals and deputy marshals being fixed in some determinate manner, so that it may be known what their compensation shall be for those services. This is a matter that has pestered the Department of Justice more perhaps than any other single matter of administration in it.

But I rise here now more particularly to say a word for that Department. It has been somewhat fashionable to abuse it. Gentlemen here on this floor have spoken this morning without limit and without stint of the enormities of the administration of the Department of Justice. The gentleman from Kentucky [Mr. BECK] says that it is honeycombed with fraud; and the gentleman from Pennsylvania [Mr. SPEER] says that there are nothing but vampires in it, eating up the substance of the country. Now, I believe from investigation that there is no ground for such sweeping charges as are made here against the Department of Justice. It is not honeycombed with fraud; it has other than vampires in it.

I know from the investigations that the Committee on Appropriations have made in times past that the fund at the disposal of the head of that Department, drawn upon from time to time by the courts and their officers, the marshals, deputy marshals, and district attorneys, has been the subject-matter of great anxiety to him. The Committee on Appropriations have investigated from year to year—however, I will not use that word, for the Committee on Appropriations cannot go outside of its duties and become an investigating committee. But it has looked into appropriations which in another bill are given in a lump sum of millions of dollars to this Department of Justice. And I will say for the head of that Department that

wherever it has been in his power he has always upheld the views of the committee when seeking to curb or restrain abuses in expenditures, and to curb and restrain men—and there have been plenty of them—who have sought to lay hands on this fund, and by swelling charges to reduce it.

The testimony in regard to Arkansas, referred to by gentlemen on the other side, showed the existence there of a crying shame; and no man found it out sooner than the Attorney-General; no man objected to it more decidedly than he. No man has objected to these extortionate charges made by district attorneys and marshals and deputy marshals more than he has done. It has been to him a constant source of annoyance and of grief. And to-day he will be able to show in his report that in divers parts of the country and in different districts he has cut off these abuses to a great degree and has lowered the expenditures in his Department, and so far as his administration goes has brought the Government nearer to the proper point of purity of administration and economy of expenditure.

While I believe the officer in charge of the Department of Justice has administered its affairs as well as he can, for one I will not stand here and hear him abused, although it may be fashionable to abuse him; I will not stand here silent and hear these assertions made that cannot be borne out.

Mr. SPEER. Will the gentleman allow me to ask him one question?

Mr. HALE, of Maine. Certainly.

Mr. SPEER. Why did not the Attorney-General recommend the correction of these abuses? Why did he remain silent until the report of the Committee on Expenditures in the Department of Justice was made at the last session of Congress—a report enough to sicken any man in the land?

Mr. HALE, of Maine. The head of that Department has never remained silent in view of abuses. Wherever it was within his administrative power to cut off an abuse or to remove an officer whom he believed to be guilty of infringing on this fund improperly, he has, so far as my knowledge goes, always exerted his power in that direction. No doubt he has made mistakes. No doubt, like any other administrative officer, he has been besieged and importuned by men in this House and at the other end of the Capitol who stood beside these appointees; and perhaps in some cases he has held off longer than he should have done. But that he has faithfully tried to remedy these abuses I do believe, and it is looking into the matter that leads me to believe it.

[Here the hammer fell.]

Mr. MAYNARD. Mr. Chairman, because some men are found to steal horses, it is no very valid reason that everybody should go afoot. I have taken very little trouble in this House—out of it more—to vindicate the present Administration. If I wanted to do so I should simply take those points upon which it is assailed—for example, this bill of marshals' expenses in Arkansas—and I would go back to the years when I first came to this House and found a distinguished citizen of the State of Pennsylvania sitting in the presidential chair. I would take chapter after chapter, verse after verse, syllable after syllable, and make a comparison. That would be the only vindication or defense that I should think it worth while to make.

Mr. SPEER. The expenses of this Department in 1859, under Buchanan's administration, were \$19,000; while in 1872 they were \$321,000.

Mr. MAYNARD. If the gentleman from Pennsylvania is so young and verdant, or supposes anybody else so young and verdant, as to believe that such a statement tells anything—

Mr. SPEER. That is from the official figures taken from successive reports of the Attorneys-General.

Mr. MAYNARD. The mere numerical amount that is expended one year with another has no significance. The point to be considered is the amount of business and the relative cost of doing that business.

But, sir, I rose for another purpose. My attention was called to our legislation of last session by the district attorney and marshal in my own district. They assured me that it was utterly impossible to carry on the public business under the provisions of our statute as it has been interpreted; that they could not find persons who would undertake to execute the process of the court. Men are not willing to spend three or four days or a week or more going about the country, merely to have their actual traveling expenses and hotel bills paid. The law as it now stands is a positive obstruction of justice in every part of the country where it is necessary to go any distance either to summon witnesses or to arrest parties; and it is important that our legislation shall take such a form as will relieve the stoppage of the business of the courts as it is occurring in some portions at least of the country. Men should be paid a fair rate of compensation for the services they are called upon to perform. I am aware that under the old system which obtained years ago, in that "good old time" I speak of, a dozen mileages were charged sometimes for a single precept—a precept executed not always by actual travel. We have attempted to remedy that, but in doing this we do not want to prevent officers from being paid for services they actually perform and actually must perform that justice may be administered.

All this talk that we have heard—all this arraignment of abuses that some time or other are stated to have existed—all these assaults upon the Department of Justice, are altogether aside from the evil that is now found in the law which we ought to have wisdom enough

to remove in order not to prevent the Judicial Department from discharging its proper and appropriate work.

I am aware of the assaults that have been made upon the present Department of Justice and its present head. They go back beyond this matter; they go back to occurrences within the last three or four months; they go back to things that have been very much bruited throughout the country on the stump and elsewhere, looking to incidental functions that have been thrown upon the Attorney-General by occurrences in some portions of the country. How much of the remarks that we have heard here is referable to these occurrences of the last three or four months I leave gentlemen to judge and decide for themselves. I do not propose to go into that.

[Here the hammer fell.]

Mr. COX. Before this paragraph is passed, I desire to offer an amendment (if it be in order) that in all arrests by United States marshals the parties arrested shall be taken before the officer nearest the place of arrest who is authorized to admit to bail. Whether that amendment is in order or not I do not say; I have not yet offered it; but I would like, if possible, to abolish one evil connected with the execution of writs by United States marshals and deputy marshals. One illustration of this evil is found in occurrences in Alabama last summer where many persons were arrested by marshals in Sumter County and taken to Mobile although there was in Sumter County a commissioner authorized to admit to bail. Why did they take them to Mobile and Montgomery, a long distance, except for the purpose of getting not merely constructive but actual mileage? That ought to be cut up by the roots as an abuse.

The gentleman undertook to defend the present Administration in connection with these marshals. Well, sir, nearly all the propositions made here for economy, if we analyze them closely, have something bad at the bottom. It grows out of our inordinate Federal legislation upon all subjects; of our reconstruction laws—our intermeddling with elections. The intermeddling of Federal officers in our State elections and otherwise has given rise to extraordinary processes and to extraordinary expenses, and is of no good whatever to the States where these processes have been executed, as we all very well know.

Why, sir, in 1858 the whole cost of this Arkansas judicial district was only \$25,000; in 1859, \$19,000; in 1860, \$26,000; in 1866, \$15,000; in 1867, \$24,000; that is, for the whole State of Arkansas, which was then only one judicial district. In 1868 it was \$34,000; in 1869, \$56,000; in 1870, \$108,000; in 1871, \$133,000; in 1872, \$320,000; in 1873, \$283,000 for the western judicial district of Arkansas. This is because of your peculiar system of legislation here which the people have reprobated. There is a most unaccountable lack of accountability all through our federal system. We have Federal intermeddling, dragging men from their homes and carrying them three, four, and five hundred miles under process, when they need only to have been carried a short distance, and done merely for the purpose of getting large fees by marshals to be shared possibly by the men who kept them in their Federal positions. If we have no power to reach these wrongs or to remedy these mischiefs in the appropriation bill, let us at least expose them.

I may agree with the gentleman from Tennessee that these abuses are not peculiar to one party more than another, but wherever they appear every honest man in this House should give them a blow. When gentlemen like the gentleman from Maine [Mr. HALE] and the gentleman from Tennessee [Mr. MAYNARD] defend the Department of Justice, let me ask why they do not send that omnipotent Attorney-General to the Senate of the United States and let him there exercise his influence to pass the bill which tore up this whole Arkansas business? If there is any power in the Administration, if there is any influence which any of the Departments have in regulating legislation so as to secure the passage of honest laws, let them go to the Senate and urge that bill already passed by this House, and then we will give you some credit for being in earnest in trying to remedy these wrongs.

[Here the hammer fell.]

Mr. GARFIELD. I ask unanimous consent that debate be closed on the pending paragraph and amendments.

There was no objection, and it was ordered accordingly.

The question first recurred on the amendment of Mr. SMITH, of New York; which was rejected.

Mr. COX. I move the following amendment.

The Clerk read as follows:

Provided that in all arrests by United States marshals the parties arrested shall be taken to the officer nearest the place of arrest who is authorized to admit to bail.

Mr. GARFIELD. I make the point of order on the amendment of the gentleman from New York that it provides for a change of existing law.

The CHAIRMAN. The Chair sustains the point of order and rules the amendment out of order.

Mr. G. F. HOAR. I move after the word "construed," in line 1691, to add the following:

To deprive United States marshals or deputy marshals of so much of their legal traveling fees as shall be allowed by the court to which the writ is returnable as a reasonable compensation for actual expense and trouble in the service of the same.

Mr. SMITH, of New York. Is that an amendment to the amendment of the gentleman from Ohio?

Mr. G. F. HOAR. It has now been provided only to allow marshals their traveling fees; and I move, then, as a substitute, to allow only such as the judge shall find to be equitable and reasonable.

Mr. SMITH, of New York. If the amendment of the gentleman from Massachusetts is adopted, there will be left nothing to prohibit the payment of constructive fees.

Mr. G. F. HOAR. The old law prohibits them, but this provides the marshal shall not be deprived of so much as the court shall find to be reasonable.

Mr. SMITH, of New York. I beg the gentleman's pardon; the old law does not prohibit constructive fees.

Mr. G. F. HOAR. I think it does, but I will withdraw my motion if there is any doubt about it.

Mr. GARFIELD's amendment was adopted.

The question then recurred on Mr. POTTER's motion to strike out the entire proviso.

Mr. HOLMAN. I offer the following as a substitute for the proviso:

That the district marshals shall receive the sum of three dollars per day for the period actually and necessarily employed in travel in serving process, in addition to the fees for the service of the process, where such service shall be required to be made beyond the limits of the city where the court may be held by which such process was issued, in addition to the actual expense of travel now allowed by law.

Mr. GARFIELD. That changes the law, and is not in order.

Mr. HOLMAN. But it is germane to the pending proposition.

The CHAIRMAN. The Chair is compelled to rule the amendment out of order. Permission was given to admit a specific proposition.

Mr. HOLMAN. But this is germane to the proposition which was authorized.

The CHAIRMAN. But it is not the specific proposition.

Mr. GARFIELD. The specific proposition was in regard to mileage.

The CHAIRMAN. The Chair is compelled to rule that this distinctly changes the law in reference to compensation in addition to the subject of mileage, and he therefore rules it out of order. The question is on the motion of the gentleman from New York [Mr. POTTER] to strike out the proviso.

Mr. BECK. I desire to ask a question of the Chair. If the proviso is stricken out, does that strike out the amendment just adopted?

The CHAIRMAN. Of course. When the committee strikes out a proviso it strikes out any amendment to the proviso.

The question being taken on Mr. POTTER's motion to strike out the proviso, there were—ayes 52, noes 71; no quorum voting.

The tellers were ordered under the rule; and the Chair appointed Mr. POTTER and Mr. GARFIELD.

The committee again divided; and the tellers reported—ayes 63, noes 88.

So the motion to strike out the proviso was not agreed to.

The Clerk read the following paragraph under the heading "Court of Claims:"

For stationery, books, fuel, labor, postage, and other contingent and miscellaneous expenses, \$3,000; for reporting the decisions of the court, clerical hire, labor in preparing and superintending the printing of the tenth volume of the reports of the Court of Claims, to be paid on the order of the court, \$1,000; and for preparing a digest of the decisions of the court for the past twelve years, \$1,000; in all, \$5,000.

Mr. HOLMAN. I offer the following amendment:

Strike out these words:

And for preparing a digest of the decisions of the court for the past twelve years, \$1,000.

This, Mr. Chairman, is an appropriation merely for the benefit of attorneys who practice in the Court of Claims. This digest is not designed to furnish information to any other class of persons. The digest of the decisions of the courts, I believe, never has been published in any of the States at the public expense. It has always been a matter for private enterprise exclusively. There are public reasons, perhaps, why the decisions themselves should be published; yet I think that, with the exception of the decisions of the Supreme Court and the decisions of the Court of Claims, this expense is not incurred in regard to any of the judicial tribunals of the country. In other cases the expense is borne by the persons who deserve benefit from the publication of the reports. But here it is proposed to go to the expense of publishing a digest, at the expense of \$1,000, for the benefit of idle gentlemen who will not take the trouble to prepare a digest for themselves. I have never before noticed any such item in appropriation bills, and I trust this will be stricken out, or that some very good reason shall be given why it should be retained.

Mr. GARFIELD. I have never been so painfully impressed with the impropriety of this appropriation as I have been since I have heard my friend from Indiana pronounce the word "digest" with so strong an accent on the first syllable. I was feeling quite strong in favor of the appropriation until I heard that pronunciation. But, seriously, I cannot understand why my friend should draw so fine a distinction as to admit that it is quite proper for us to publish the reports of the decisions of the Court of Claims and an index to each volume, and an index and even a digest of the decisions of other courts of the United States, and yet to insist, when we propose to have a digest of the decisions of this court, that it is something extravagant and in the interest merely of lawyers. I do not know that it is any more in the interest of lawyers to print a digest of the decisions

ions of this court than of any other class. The fact is, the Court of Claims is the only court where the people of the United States have a hearing as against the United States in a case of claims; and the reports of the Court of Claims, properly digested, furnish the reasons for the decisions of the court defining and limiting the character of the people's rights. It seems to me that it is more in the interest of the people than of any particular class that we should print this digest.

Mr. HOLMAN. I wish to ask the chairman of the Committee on Appropriations this question: Has Congress ever appropriated a dollar for publishing digests of the decisions of the Supreme Court?

Mr. GARFIELD. We have appropriated money to purchase copies of the work.

Mr. HOLMAN. We may have appropriated for the purchase of a certain number of copies, but that is different from an appropriation to prepare and publish the work. The volumes of digests of the decisions of our State courts are all published by private enterprise.

Mr. GARFIELD. And in those cases the person having charge of the work is entitled to a considerable amount of fees growing out of it.

Mr. HOLMAN. I move to strike out the last word of the amendment for the purpose of adding a little to what I have already said.

I feel that I ought to apologize to the sensitive ear of the chairman of the Committee on Appropriations for my want of accuracy in the pronunciation of the word "digest." I am glad that we have in this House a gentleman able to suggest the most refined modes of pronunciation. I know how harshly an inaccurate pronunciation falls upon a cultivated ear, and I ought to have been more considerate. I beg the gentleman's pardon for being so unmindful of my duty in his presence as to indulge in the western style of pronunciation. My friend had the benefit of instruction at one of the more refined institutions of learning, and he ought to be, perhaps, a little more merciful to the less favored mortals around him. But I trust this little beginning will not be criticised into a precedent. I think there are enough channels of extravagant expenditures in this country without seeking a new mode of expending a little more money. I did not say that I thought it was proper that the people of this nation should incur the expense of publishing the decisions of the Supreme Court of the United States, or of the Court of Claims. The publication of the decisions of other courts is made by private enterprise, I believe, in all the States of the Union. It may be, however, that there may be a propriety in doing this, founded on what has been the immemorial practice of the Government, but I know that it is not proper to begin the publication of this digest, which is a mere matter for the convenience of the gentlemen practicing law in court. It is a labor-saving expenditure, by which not only courts, but more especially, lawyers, may know precisely what the law is; but I do not think they should have this convenience furnished them at the expense of the Government. I trust this little beginning will not be tolerated by the committee, but that we may have left us some field of expenditure that shall not be invaded by appropriations from the public Treasury.

Mr. GARFIELD. I desire to say a single word. I hope the gentleman does not think I was criticising his pronunciation, for I was not. I do not know that I ever in my life heard the gentleman pronounce a word incorrectly; but I was referring to the scorn with which he pronounced the word "digest." I hope his scorn will not wither the word out of the bill.

Mr. HOLMAN. I hope it will.

The question was upon the motion of Mr. HOLMAN to strike out, in lines 1707, 1708, and 1709, the words "and for preparing a digest of the decisions of the court for the past twelve years, \$1,000."

The question was put; and on a division there were ayes 34, noes not counted.

So the amendment was not agreed to.

Mr. G. F. HOAR. I move *pro forma* to strike out the last word for the purpose of putting a question to the chairman of the Committee on Appropriations, or to his colleague from New York, [Mr. WHEELER,] who is also a lawyer. I would like to be informed at some proper time (and I do not know of any time that will be more proper than now) whether the Committee on Appropriations, who have occasion to examine all the expenditures of the Government, find upon the whole that the existence of the Court of Claims is a saving of money to the Government or tends on the whole to promoting a separation of just claims from unjust claims, against the Government; whether during its existence it has operated as a successful element in the administration of justice?

Mr. GARFIELD. I would say in regard to that, that for four or five years the Court of Claims had a hard struggle for existence in Congress, at a time when leading lawyers in both Houses were in favor of abolishing it. A great many were opposed to its establishment originally, and I have no doubt that it has entailed large expense upon the country. It has poured in upon the Supreme Court a large volume of work, overloading its docket, and has no doubt increased the labor of that court. But to say that is not to say necessarily that the Court of Claims ought not to exist. As I had occasion to say awhile ago, it is the only place where a citizen of the United States has a right to come before a judicial tribunal and prefer his claim against the United States. If the Court of Claims was abolished we would have an infinitely greater pressure on Congress in the matter of private claims, and I am disposed to believe that the Court of Claims is to claims generally what the southern claims

commission is to that particular class of claims. I do not believe it would be wise to abolish the Court of Claims at present; but that is a question upon which men do and will differ.

Mr. G. F. HOAR. I withdraw the amendment.

The Clerk read as follows:

To pay judgments of the Court Claims, \$400,000.

Mr. HOLMAN. I wish to make an inquiry of the gentleman from Ohio as to this item. The amount appropriated is far less than the amount in the estimates. The estimates are for \$1,524,390. Those estimates are based upon judgments already rendered. This appropriation is to pay for judgments that will be rendered in the next fiscal year.

Last year we appropriated a million dollars for this purpose. On the basis of appropriations heretofore made, does the chairman of the Committee on Appropriations believe that the sum now proposed to be appropriated—less than half a million dollars—will be sufficient?

Mr. GARFIELD. I think it will be, with the addition of the unexpended balance now on hand for this purpose.

Let me state in brief that there were \$2,000,000 estimated for last year, and the committee gave half of what was estimated. Formerly but \$400,000 was appropriated annually. Last year a million dollars was appropriated; and we find upon inquiry that if the judgments pending had been mainly or half rendered against the United States the whole million dollars would have been used up. But they have so much of that million dollars still unexpended that the committee think that this appropriation will be sufficient to meet this expenditure.

Mr. HOLMAN. With the balance of last year's appropriation?

Mr. GARFIELD. Yes, sir.

Mr. HOLMAN. The reason I called attention to this subject is that appropriations are being made for the purpose of meeting the judgments of the Court of Claims, the southern claims commission, and various other tribunals, and those appropriations are growing so rapidly that the subject ought to begin to arrest a great deal of attention.

Mr. GARFIELD. The only means we have of estimating the necessary amounts to be appropriated is simply to take the actual payments of last year and compare them with the amounts covered by the claims acted upon, and then take the docket for the next year and estimate about how many cases can probably be disposed of, and making calculations on these two estimates. Of course gentlemen will see that in some years the amount will be greater and in other years it will be less. There is a single case pending before the Court of Claims, a cotton case, that will take a million dollars for its payment alone, if allowed in whole; and we cannot tell whether it will be allowed or not, or if allowed whether it will be allowed to its full extent. All we can do is to estimate a reasonable amount and put it in the bill.

Mr. SMITH, of New York. Are the proceeds of captured and abandoned property covered into the Treasury, so that when a judgment is rendered by the Court of Claims there must be an appropriation to pay it?

Mr. GARFIELD. Certainly; except in a class of cases where the Secretary still has the right and authority to settle claims.

Mr. SMITH, of New York. Are any of those cases pending in the Court of Claims?

Mr. GARFIELD. Not those cases. One class of cases do not go to the Court of Claims at all, but they are decided by the Secretary himself.

The following was read:

DEPARTMENT OF JUSTICE.

Office of the Attorney-General:

For compensation of the Attorney-General, \$8,000; Solicitor-General, \$7,500; three Assistant Attorneys-General, at \$5,000 each; one Assistant Attorney-General of the Post-Office Department, \$4,000; solicitor of internal revenue, \$5,000; naval solicitor and judge advocate general, \$3,500; examiner of claims, \$3,500; law clerk, \$3,000; chief clerk, \$2,200; stenographic clerk, \$2,000; two law clerks, at \$2,000 each; six clerks of class four; additional for disbursing clerk, \$200; one clerk of class two; one telegraph operator, at \$1,000; five copyists, at \$900 each; one messenger; two assistant messengers; two laborers; and two watchmen; in all, \$80,700.

Mr. WILLARD, of Vermont. I desire to ask the chairman of the Committee on Appropriations if the "examiner of claims" referred to in the paragraph just read is the one connected with the State Department.

Mr. GARFIELD. I think he belongs to the State Department.

Mr. WILLARD, of Vermont. I had an impression that the name of the officer had been changed.

Mr. GARFIELD. I will examine into the matter, and if found necessary we can turn back.

Mr. BECK. I move to strike out this entire paragraph. Of course I do not expect to succeed in having it stricken out, but I rise for the purpose of making a brief statement. The gentleman from Maine [Mr. HALE] a few moments ago announced that his object in taking the floor was not so much for the purpose of discussing the particular question then before the Committee of the Whole, relative to marshals and deputy marshals, as it was to defend the general conduct of the Department of Justice from attacks which had been made by myself and by the gentleman from Pennsylvania, [Mr. SPEER.] The gentleman from Maine said that I had denounced the Department of Justice as being honey-combed all over with fraud. I want

to say now that that is my deliberate opinion. And if there was any means of striking out this whole appropriation, or of reaching the Department of Justice and having it thoroughly investigated, I would endeavor to adopt the measures necessary and proper to accomplish that object now. I do not attack the subordinates of the Attorney-General. Many of them are good men. I strike at the responsible head and at his public acts.

The gentleman from Maine ought to remember that on Monday last I introduced a resolution, which failed because he and other republican members refused to vote for it, calling for an examination into the conduct of this Department of Justice relative to the safe-burglary conspiracy. On my own responsibility as a Representative I stated that the Attorney-General had dismissed the special prosecuting attorney, Mr. Riddle, in the safe-burglary case, when it was known to the Attorney-General and to all who had examined it that that case, if thoroughly investigated, would expose such evidence of fraud, corruption, and interference with justice as would shock the people of this country.

And I now assert here that in my judgment the Attorney-General is a more guilty man, in respect to the acts of usurpation and tyranny done in the State of Louisiana, than Judge Durell, who has been reported by a committee of this House as deserving impeachment. This House and the country know that two days before Judge Durell issued the order for which he was impeached the Attorney-General, in violation of his known duty, clearly and knowingly usurping authority not given to him, telegraphed to the marshal of the United States in Louisiana to this effect:

You are to enforce the decrees and mandates of the United States court, no matter by whom resisted; and General Emory will furnish you with the necessary troops for that purpose.

The order or decision of Judge Durell, which has been found to be not only illegal but impeachable, was rendered upon the assurance—given two days in advance by a Cabinet officer of the United States, who had no authority to call upon the Army, who was not asked by any constitutional body or person for permission to use the Army—that it would be used to sustain his action, no matter what decision the judge might give. I repeat, if Judge Durell, by resigning, as he has done, has confessed his guilt, which is by common consent admitted, the Attorney-General of the United States, who aided and abetted him and gave an order in advance to him to do it, guaranteeing him protection and support, is a more guilty man than he.

I might multiply instances of gross wrongs in grave matters against this high official, but time would fail me; five minutes run rapidly. Take this, for example: The Department of Justice has appealed from the Court of Claims to the Supreme Court every cotton claim that has been decided against the United States; and has, upon the Attorney-General's own motion, without trial on the merits, dismissed a large majority of them whenever the friends of the Department were appointed to arrange them and could get such fees out of them or such portions of them as they saw fit to demand.

Again, I assert that the Department of Justice has used the Army of the United States for the basest of purposes. The Attorney-General has sent his marshals and secret-service thieves all over the land—to Alabama, Louisiana, South Carolina, and elsewhere—for purposes of wrong and oppression. I repeat, it is a Department of *injustice* instead of a Department of *Justice*. When the proper time comes, if I can get an opportunity, I will make good all I have said about the Attorney-General and his Department. If I am denied the right here, the next House of Representatives will see to it.

[Here the hammer fell.]

Mr. SPEER. Mr. Chairman, I desire to call the attention of the chairman of the Committee on Appropriations to the fact that the law of last session provides that "hereafter a detailed statement of the expenditure for the preceding fiscal year of all sums appropriated for contingent expenses in any Department or Bureau of the Government shall be presented to Congress at the beginning of each regular session;" and to the further fact that upon my own motion the following provision was incorporated in the law of last session under the head "Expenses of Department of Justice:"

And the Attorney-General shall hereafter annually report to Congress in detail the items, amounts, and causes of the expenditure of the contingent expenses of this Department.

Now, Mr. Chairman, no such detailed statement, no statement of any kind, of the expenditure of the contingent fund has been made to Congress by the Attorney-General. For the year expiring on the 30th of June, 1874, there were appropriated \$21,000 for the contingent expenses of that Department. And I hold in my hand the report of the Attorney-General, in which he returns that amount to the exact cent as having been expended, for what? The law requires him to give us a detailed statement of every dollar and every penny of these expenses. A little over a year ago the nation was scandalized by developments in reference to the expenditure of the contingent fund of the Department of Justice, and that scandal caused the passage of the law I have read, requiring of the Attorney-General this statement to be made to Congress. Yet in open neglect of his duty, in the plain teeth of the letter of the law, he fails, or has failed up to this hour, to give us any statement of the items of the expenditure of the contingent fund.

Now, where has this money gone? For what was the \$21,000 expended? How many hundred penknives, how many landaulets,

were bought; how many horses were kept; how many drivers, and footmen, and carriages? We have a right to know; the law makes it the duty of the Attorney-General to give us this information. It is due to the law, it is due to the people, that not another dollar should be appropriated for the Department of Justice while the present incumbent remains in the office of Attorney-General until he complies with his plain official duty. I ask the chairman of the Committee on Appropriations whether he was aware that that report of the expenditures of the contingent fund by the Attorney-General had not been made when he inserted this item in the bill?

Mr. GARFIELD. When the gentleman gets through I will speak. Mr. SPEER. The gentleman says when I am through he will speak. He should be able to answer such a question now. He should not appear here as the quasi apologist of a public officer, and that officer at the head of the Law Department, when he stands before the House and the country in open dereliction of duty. The chairman of the Committee on Appropriations can command the floor at any time and at all times; and to such a question as this that gentleman, holding the purse-strings of the appropriations of the Government, covering \$300,000,000 a year, should be prompt to reply, and if necessary reply in terms of rebuke to a public officer who fails to do his duty.

I affirm, then, sir, that the motion of the gentleman from Kentucky should prevail; and until this officer complies with the law we should not vote him another dollar for contingent expenses. We have the right to know where this money has gone; we have the right to know how many penknives he has bought and distributed among his clerks and his friends; we have the right to know how many carriages he keeps, for whom they are kept, where they are kept, and at what expense. We have the right to know where the people's money goes; and until that duty on his part is performed the appropriation embraced in this section of the bill should not be voted.

Mr. GARFIELD. This motion is to strike out the appropriations for the Judicial Department of the United States. The gentleman from Pennsylvania [Mr. SPEER] is almost enraged at me because I do not stand upon the floor as a witness to be examined and cross-examined by him for the purpose of decorating and adorning his speech. He thinks I ought to have leaped to the floor and stood meekly by, answering whatever question and cross-question he chose to put about the Department of Justice. Now, I do not think we have reached that point of satrap management here in this House when any particular member is called upon to stand forth in that meek attitude before his fellows.

The raving upon this subject has been chiefly done in one line and by one small lot of gentlemen on this floor. In one short speech of five minutes I heard the word "vampire" pronounced three times by the gentleman who has just taken his seat. Besides the words "thief" and "robber" and "swindler" and "fraud," in connection with the Attorney-General's Department, danced through the mazy visions of his mind and speech as though they were the familiars of his waking hours and his dreaming moments; and in that trance he asked us all to join in a whirligig and let him be the piper, to pipe while we danced in a ring around him.

Now, I am here to say, not that the judicial department of the Government has always been as economical as it ought to have been, but that there has been sturdy, earnest work done in cutting down the expenses in that Department, at least during the time that I have been chairman of the Committee on Appropriations, not by the committees of Congress alone, but also by the Department itself. It was on my motion—a motion made in pursuance of a unanimous vote in the Committee on Appropriations—that we made all these contingent expenses of the Department definite and precise, and did not, as our democratic friends did in their day of rule, appropriate several hundred million dollars in a lump, never to be reported, never to be itemized, never to be considered, at least so far as any requirement of law was concerned. And we who have made all these changes and betterments are now to be called upon to dance in a little circle around a small center because a new law passed here some six months ago required itemized, close, and careful reports of contingent funds and those reports are not now upon the tables of all the members in this the second week of the session. We have one of these reports already before us.

The gentleman desires to know whether we dare say those reports are out, and why they are not out. There are a great many things probably we had better not dare about until we have found our grounds for them. Against what particular thing in this bill does the gentleman direct his thunder? He kicks against the sky. He shoots at the stars generally, broadcast. His fusée roars and the sky re-echoes, but where are his birds? What point in the bill does he aim at? If he sees anything wrong in the bill, name it—point it out, and I will help him to strike it out. But we cannot answer an indictment against the universe.

For one I am tired of this everlasting clamor and vagueness, a mere hurra to which we are treated hour by hour in the progress of the debate on this appropriation bill. If men do not get up and answer and rail and roar in answer every five or six minutes, "O, there is no economy in this House. Wait until we get in and we will show you economy." The Government waited and let you show economy for many long years until the Government had run down and touched bottom in bankruptcy and protest. In this broken condition a great

party took hold and saved the country from this degradation and slavery and ruin, from treason and rebellion, and lifted it up into the light of freedom, with respect for the rights of man; lifted it out of war in which you had plunged it and made its public credit and name great in the world. Bark; but remember the glories you bark at.

[Here the hammer fell.]

Mr. BECK. Will the gentleman from Ohio tell us about the several hundred million dollars which were appropriated in a lump by the democratic party? When was that done?

Mr. GARFIELD. I did not say "several hundred million dollars in a lump."

Mr. BECK. I beg the gentleman's pardon; he did say so, and I am borne out in my statement by gentlemen around me.

Mr. GARFIELD. If I said millions, I of course meant thousands.

Mr. BECK. You were merely "roaring" then, I presume.

The amendment was rejected.

Mr. SPEER. I move to strike out the last word.

Mr. Chairman, it is so rarely that the gentleman from Ohio [Mr. GARFIELD] declines to take the floor, or declines to answer questions unbidden, that perhaps I may be pardoned for expecting an answer to the simple question I put to him. If the question was impertinent, if it was improper in view of the public interest that it should be answered, then I should have been rebuked; but if it was proper that a Representative of the people upon this floor should put a question to the chairman of its leading committee as to whether a public officer had complied with the requirements of the law, if that was proper, then I was in the line of my duty.

But, sir, I do not submit to rebuke from the gentleman from Ohio or to be lectured by him on my past course or that of my party. We may have erred as a party and as individuals, but he who lifts the rod of correction over us should be a man along whose pathway the undimmed light of an honest life has been cast. That lecture and that rebuke should not come from the man around whom gather the mists and clouds of suspicion, if not the black shadow of established guilt.

Mr. GARFIELD. What is that the gentleman says?

Mr. SPEER. I say this side of the House should not be lectured by a gentleman who stands in the mists and clouds of suspicion, if not of guilt. I take the responsibility for my question and for my error, if error it was. If I was fighting the stars, I beg the gentleman to remember I could not have been fighting him! If I was discourteous I withdraw any remark which will bear that interpretation; but I am not here to be rebuked when in the line of my public duty.

It is not the right of the gentleman upon this floor, having charge of interests so important as these, to answer with assumed superiority, at least in manner and in tone, if not in language, a question properly put by a person properly authorized to put it. I regret anything that may have been said to imbitter the relations of gentlemen here; but it is not the first time I have felt with other Representatives upon this floor the superciliousness of the gentleman from Ohio, charged to a large extent with the management in this House of the financial affairs of the nation. And it may be well for him to be taught, here and now, that however we may stand with reference to length of service and official position on this floor, as Representatives of the people we are equal.

Mr. GARFIELD. Any teaching which I desire to receive I hope to receive in due time and from the proper quarter. I ask now for a vote.

The CHAIRMAN. Is the formal amendment withdrawn?

Mr. RANDALL. As both gentlemen seem now to be in good humor, I would like to renew the question which was addressed to the gentleman from Ohio, [Mr. GARFIELD.] I would like to know whether he is prepared to say that the Attorney-General of the United States has conformed to law in giving us a report of the manner in which that \$21,000 of the people's money was expended? The question is more important than the mere language of it might seem to imply. It is not an idle question, and as the chairman of the Committee on Appropriations it is the gentleman's duty to answer the question yes or nay, or else say that he cannot.

Mr. GARFIELD. Gentlemen will remember very well that the proposition to require specific reports of the expenditure of the contingent funds was moved in this House by the Committee on Appropriations and put on the law by that committee.

Mr. RANDALL. I am not detracting from what is due to the committee in that respect.

Mr. GARFIELD. That law took effect and began to operate on the 1st day of July last, and when that year which began on the 1st day of July last is done, if there come not then a report of all the expenditures of that year, then it will be time to ask us whether these gentlemen have done their duty or not.

Mr. RANDALL. No, sir. At the commencement of this session was the time. I want you to be frank and answer the question.

Mr. GARFIELD. I am addressing the Chair. I do not say "you" in talking of gentlemen on this floor. I do not allow debate to run in the direction of personalities, so far as I am concerned. I address the Chair, and in addressing the Chair I say to the gentleman that if any of those reports were by law required to be presented at the begin-

ning of this session, I do not know how many of them have been. I know one of them is in print, and is a part of the report which accompanies this bill.

Mr. RANDALL. I do not mean to let the gentleman escape, on the idea of my being personal about this, from answering my question.

Mr. GARFIELD. I have just stated that I did not know whether the Attorney-General has made a report of the expenditures of this contingent fund for the past year or not. There has been no escape from giving an answer to the gentleman's question.

Mr. RANDALL. The gentleman was making his escape by referring to my use of the expression "you." I want this question answered. It is a plain question, which should be answered by the chairman of the Committee on Appropriations before he has any right to ask the committee to make any further appropriations to that Department.

Mr. DURHAM. And I remind my friend from Pennsylvania that I propounded the same question to the chairman of the Committee on Appropriations yesterday, whether or not there had been a report from the Postmaster-General of the expenditure of the contingent fund.

Mr. GARFIELD. And I answered the gentleman from Kentucky that one of the reports was in, and that I understood the rest would be made in due time.

Mr. DURHAM. I understand the law to be that the reports of the contingent expenditures shall be made at the same time as the general reports.

Mr. RANDALL. Now, I want, so far as this side of the House is concerned, that it should be acknowledged that no effort has been made here to retard the progress of this bill. But we do want to know about every dollar that has been expended, and when we have reason to believe that fraudulent expenditures have been made out of this contingent fund we want to know how.

Mr. GARFIELD. I have nothing further to say. I have answered the gentleman precisely as to the facts.

Mr. RANDALL. If the gentleman says he has not got the information, I cannot press him further for it.

The *pro forma* amendment was withdrawn.

The Clerk continued the reading of the bill, and read to the close of section 1.

Mr. MCCRARY. In accordance with the order of the House on Monday last making the amendment which I hold in my hand in order to this bill, I now offer that amendment to come in as section 2.

The Clerk read as follows:

SEC. 2. That the circuit court of the United States in and for the district of Iowa shall be held at the times and places now provided by law for holding the United States district court in and for said district. But the circuit judge shall not be required to sit in said court except at Des Moines. Causes removed from any court in the State of Iowa into the circuit court of the United States within said district shall be removed to the nearest circuit court, unless the parties thereto shall otherwise agree: *Provided*, That all appeals or writs of error allowed by law from the district court to the circuit court for Iowa shall be taken to the circuit court at Des Moines, to be heard by said court when held by one or more circuit judges: *And provided further*, That the judge of the district court for said district of Iowa may, in his discretion, order that the same jurors be summoned to serve in the circuit and district courts when held at the same time and place, and at a place other than Des Moines.

Mr. MCCRARY. As this is a matter which relates entirely to the courts in the State of Iowa, and as it involves no expense whatever, I suppose there will be no objection to the amendment. It has been submitted to the Committee on the Judiciary of the House, and I believe I am authorized to say that it meets with their approval.

I may be permitted, however, to say that it is an absolute necessity that some legislation of this kind should be had in order that the business in the Federal courts in the State of Iowa shall be transacted with anything like promptness and dispatch. The circuit court meets at one place, the capital of the State, and the docket now numbers twenty-five hundred causes. The provisions of this amendment will require the circuit court to be held at the same point as the district court, and in the absence of the circuit judge, of course it will be held by the district judge. But it adds nothing to the expenditures for the administration of justice; on the contrary it will save a large expense on the part of litigants, and also on the part of the Government. I presume there is no objection to the amendment, and therefore there is no need of its further discussion.

Mr. GARFIELD. I really do not think that we ought to put a measure of this kind upon an appropriation bill. I do not know anything against the amendment on its merits; but if we add to an appropriation bill a measure of this kind, we might as well go on and swell the bill into a general judiciary act. I repeat that I know nothing against this measure upon its merits, but I do think that it is not such a measure as we should incorporate in an appropriation bill, and I hope my friend from Iowa will not press it.

Mr. MCCRARY. I must insist on its being connected as a part of this bill. There is considerable legislation in the bill at other points, and there is nothing in this provision that will form a precedent any more dangerous than other provisions in the bill. The reason why I press it is that it is a matter of great importance, and I very much fear that in the brief remainder of this session it might not be possible, however meritorious the bill may be, to get it considered and passed through the two Houses as a separate measure. The House,

by a suspension of the rules, ordered that this provision should be in order as an amendment to this bill.

The question was taken on the amendment of Mr. McCrary; and on a division there were—ayes 46, noes 49; no quorum voting.

Tellers were ordered; and Mr. McCrary and Mr. Garfield were appointed.

The committee divided; and the tellers reported ayes 84, noes not counted.

So the amendment was agreed to.

The Clerk proceeded to read the second section of the bill.

Mr. ASHE. I offer the following as an additional section:

Assay office of Charlotte, North Carolina:

For assayer in charge, \$1,800; melter, \$1,500; wages of workmen, \$600; contingent expenses, \$1,500; in all, \$5,400.

Mr. HOLMAN. I hope that amendment will not be adopted. The reports show that this assay office is of no value to the country.

Mr. ASHE. The appropriation for this assay office has been frequently before the House. It was discussed at the last session, and all the statistics and information we had were then before the House. I have now some additional information in regard to this assay office from the assayer, and I will ask the Clerk to read a portion of his letter.

The Clerk read as follows:

Table No. 1 shows the amount of gold and silver produced in the States of North Carolina and South Carolina since the discovery of gold. No. 2 shows the amount of business done at this office.

No. 1. Gold of domestic production, to June 30, 1874, of North Carolina, \$9,884,514.22; of South Carolina, \$1,379,121.92.

Silver of domestic production (1841) to June 30, 1874, of North Carolina, \$44,345.88.

No. 2. Gold coin (and bars) made at United States branch mint, Charlotte, North Carolina, to close of June 30, 1874, \$5,141,111.07.

The following statement shows the probable production of North Carolina for the year 1874, arranged according to counties:

Gaston County.....	\$75,000
Rowan County.....	50,000
Burke County.....	10,000
Rutherford County.....	5,000
Catawba County.....	1,000
Mecklenburgh, Union, and adjacent counties.....	9,000
	150,000

Before I close I will add a brief statement in regard to our business. Our operations are restricted by law to the assay of bullion; i. e., we take it as deposited, package by package, and, having formed it into a bar of suitable form and size, we assay the bar, ascertain its value, and stamp it accordingly; it is then issued to the depositor, who sells it to the local bankers or ships it to the Mint at Philadelphia to be re-assayed and converted into coin. By selling he is compelled to allow the banker a considerable profit by shipping he is subjected to the expense of expressage and to a considerable delay before realizing. The larger companies and depositors have preferred the latter course; and, to avoid the double expense of assay here and there, have sent direct to Philadelphia. In this way the greater part of the bullion product passes around us. I have often called the attention of the authorities at Washington to this difficulty under which we labor, and have suggested a course by which this inconvenience might be obviated and the depositor be enabled to receive at once the full value of the deposit, subject only to the usual working charge.

I have alluded to the plan in my conversation with you. It is as follows: That the Treasury Department be authorized and instructed to keep a fund of gold coin at this office for the express purpose of paying the depositor the value of his deposit as soon as ascertained; the bar becoming the property of the office, and being subsequently sent to Philadelphia to be coined to replenish the fund here. Perhaps also it might be advisable to allow us to issue coin certificates or some similar instrument, (when the depositor prefers it,) payable by the assistant treasurer at New York or Philadelphia. These methods would as fully answer the needs of depositors, it is believed, as a coining department, and could be effected at a far less cost to the Treasury than would be involved in the support of a coining staff here. The arrangement under which the New York assay office does its business and settles with depositors is precisely what we want here. A very small coin fund would be sufficient for our purpose, as it could be speedily replenished as often as needed.

In this connection I will allude to another feature of our work here: We have interpreted freely our instructions to aid generally in promoting mining interests, and in the intervals of our regular work we are engaged in assaying ores, analyzing soils, minerals, &c., and in miscellaneous chemical examinations; the fees received therefor going into the Treasury. In 1873 upward of one hundred examinations were made, many of them of importance. Oftentimes we make no charge when the individual is too poor to pay or when the matter is of more than individual importance, and at all times the charge is but little more than sufficient to pay the cost of the work. The receipts from this source amount to some hundreds per year, and about one-half this amount is profit to the United States Treasury.

We have for some years performed chemical work for the State geologist, and have made this office a cheap and valuable adjunct to the geological survey of the State.

Although we do not get much gold to assay, yet we perform an important function in the development of the mineral interests of the North Atlantic States; and in discussing the question whether this assay office shall be continued or not, it will be proper to compare the advantages accorded the various sections of the Union in this respect. The States and Territories west of the Rocky Mountains have a geologist (mining commissioner) and several exploring expeditions constantly in the field at the expense of the General Government, and, in addition, two mints and two assay offices.

When it is said that there is little use for our branch, that we do too little work, our friends might reply that at present there is little use for any mint, because three-fourths of the gold that is coined in our mints is speedily shipped across the water, and at once melted down in the European mints. There will be more real use for mints when the printing office occupies a less conspicuous part in supplying the country with a circulating medium.

Senator MORRILL, chairman of the Committee on Appropriations, when here remarked that he did not know whether we needed a branch mint in North Carolina or not, but that he was for sustaining it, because the old States had got but little, and would get no more, and what they had got they must keep.

We only ask for \$5,900, and there should be no hesitation in appropriating it. So much (nearly) is appropriated yearly to pay four men who stand round the cabinet in the Mint at Philadelphia to answer the questions of visitors about old coins,

metals, ores, &c., (*vide* United States Treasury Register, 1874, page 60.) This is not noticed because it is swallowed up in the immense sum of \$205,000 given freely to that mint.

We hope that the usual appropriation will be made, and that the measure will be pushed through Congress authorizing a coin deposit to be made here for the purpose alluded to.

We will thank you to inform us what the Director of the Mint has recommended, and to send to us a copy of the appropriation bill.

I am, sir, your obedient servant,

CALVIN J. COWLES,
Assayer in Charge.

The question was taken on the amendment; and there were ayes 17, noes not counted.

So the amendment was not agreed to.

Mr. SMITH, of New York. I desire the attention of the chairman of the Committee on Appropriations to the amendment I now offer. I ask the consent of the House to go back to a section of the bill we have passed for the purpose of considering this amendment. It is to add at the end of line 1714 the following:

No judgments of said court shall be paid beyond the amount of this appropriation and any unexpended balance of former appropriations for the payment of the judgments of said court.

The CHAIRMAN. Is there objection to going back?

Mr. HUNTON. I object.

Mr. SMITH, of New York. I ask the gentleman to consent to my making an explanation of the reasons for the proposed amendments.

Mr. HUNTON. I have no objection to that.

Mr. HOLMAN. The amendment can certainly be offered as an independent section, to come in at the end of the bill, as it is a limitation upon an appropriation in the bill.

Mr. SMITH, of New York. The gentleman from Indiana [Mr. HOLMAN] certainly will not object to my making an explanation now.

Mr. HOLMAN. I will not.

Mr. ASHE. I object to the amendment.

Mr. SMITH, of New York. Then I propose it as an independent section to come in at this place.

The CHAIRMAN. The committee is in the middle of a section at present.

Mr. ASHE. I do not object to an explanation by the gentleman.

Mr. SMITH, of New York. In the last Congress I offered an amendment to the appropriation bill prohibiting the payment of judgments of the Court of Claims without specific appropriations for such judgments being made by Congress. There was a long debate upon that amendment. In that discussion, which continued for two days, it was not ascertained by this House that judgments of the Court of Claims were paid without any appropriation by Congress. And we did not know, and the people of the country did not know, and we have not yet found out, what became of the \$26,000,000 which was supposed to be in the Treasury of the United States as the proceeds of captured and abandoned property. My reason for proposing the amendment which led to that discussion was this: not that I was prepared to say that men who had been disloyal to the Government during the war should not be paid for their property, but I was prepared to say that those men ought not to be paid in advance of men who had been loyal. In that debate I cited the case of a plaintiff in the Court of Claims whose claim was upward of a million dollars for captured cotton, who was a confederate loan commissioner during the rebellion. I did not contend that he should never be paid. I did contend that he should not be paid in advance of men who had been loyal to the Government during the war, and had suffered comparatively more than he had suffered. I did contend that Congress ought not to give him precedence in time of payment over Dr. J. Milton Best, of Paducah, who stood upon the roof of his own house when the fort at Paducah was besieged by the confederate army and his house was occupied by confederate sharpshooters picking off the Union gunners in the fort, and waved his flag as a signal to the Union gun-boats to fire upon and destroy his own house, making, with noble heroism, a willing sacrifice of everything he had in the world for the sake of his country.

And I ask my friends on the opposite side of the House to understand me now. I do not repudiate the decisions of the Supreme Court of the United States that the proclamation of amnesty by President Johnson entitles these men to compensation. But what I do insist upon is just this: that when we are paying judgments of the Court of Claims from day to day we ought to know, and the country ought to know, what is being paid. It may help us to a conclusion as to whether we can afford to pay some of these ruined heroes like Dr. Best, many of whom are now suffering not only from hope deferred, but from penury and hunger also. A few moments ago—and I hope the chairman of the Committee on Appropriations is present and will hear what I am about to say—a few moments ago, while standing in the area in front of the Speaker's desk, I propounded a question to the chairman of the Committee on Appropriations whether these judgments of the Court of Claims were paid without appropriation by Congress. I understood him to say that they were not; that claims for property captured or abandoned after the proclamation declaring the war to be at an end were paid without an appropriation, but no claims for captured or abandoned cotton arising before that date. Being somewhat in doubt, from my recollection of the discussion of last Congress, I telegraphed to

the Secretary of the Treasury, asking him this question: Are judgments of the Court of Claims for captured and abandoned cotton paid without an appropriation by Congress? I ask that his answer be read.

The Clerk read as follows:

Hon. H. BOARDMAN SMITH:

Judgments of the Court of Claims for captured and abandoned cotton are paid out of an indefinite appropriation made by the act of March 3, 1873. (12 Statutes, page 820, section 3.)

B. H. BRISTOW,
Secretary.

Mr. SMITH, of New York. There is an error of date in that telegram. The act referred to is the act of March, 1863, and not March, 1873. I ask the Clerk to read the section under which these judgments are paid.

The Clerk read as follows:

SEC. 3. And be it further enacted, That the Secretary of the Treasury may require the special agents appointed under this act to give a bond, with such securities and in such amount as he shall deem necessary, and to require the increase of said amounts, and the strengthening of said security, as circumstances may demand; and he shall also cause a book or books of account to be kept, showing from whom such property was received, the cost of transportation, and proceeds of the sale thereof. And any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims; and on proof to the satisfaction of said court of his ownership of said property, of his right to the proceeds thereof, and that he has never given any aid or comfort to the present rebellion, to receive the residue of such proceeds after the deduction of any purchase money which may have been paid, together with the expense of transportation and sale of said property, and any other lawful expenses attending the disposition thereof.

Mr. SMITH, of New York. Now, I ask the House to bear in mind that the appropriations for paying judgments of the Court of Claims have been only about \$500,000 a year, while, if I mistake not, judgments have been rendered, single judgments for captured cotton, very largely exceeding that amount. Now, I assure our friends on the other side of the House that time and association with men who were once rebels, but are now, as I believe, sincerely loyal to the Government, have done much to soften resentments and to make me hope with confidence for a new union of hearts. I am for burying the past. We have been enemies. Let us now be friends. I am for abiding faithfully by the decisions of the Supreme Court, and for paying the just and lawful claims of men who were in the rebellion and were restored to their rights of property by the proclamation of amnesty. My amendment means nothing to the contrary. What I insist upon is simply that Congress shall not leave to the Court of Claims legislative powers, to make appropriations, nor permit that court to render judgments which are to be paid, to the amount of possibly \$26,000,000, while neither Congress nor the country knows what is being done.

[Here the hammer fell.]

The CHAIRMAN. There is no amendment pending.

Mr. MAYNARD. Before the gentleman takes his seat, allow me to call his attention to the fact that the true date of the act from which he has had a section read is March 12, 1863. That act is frequently referred to, and I call attention to the true date.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to move to strike out from this section all that relates to the printing of notes, bonds, &c., for the purpose of putting it into the sundry civil appropriation bill. I make that motion for the reason that the subject-matter of printing notes, bonds, and other securities of the United States is now being examined by the Committee on Banking and Currency. We have not their report, and we propose to strike out all relating to that subject here and wait until we can have the benefit of their report.

The portion of the section referred to was as follows:

For paper for notes, bonds, and other securities, including mill expenses, boxing, and transportation, \$325,000.

For labor, (by the day or piece or contract,) including labor of workmen skilled in engraving, transferring, plate-printing, and other specialties necessary for carrying on the work of engraving and printing notes, bonds, and other securities of the United States, the pay for such labor to be fixed by the Secretary of the Treasury at rates not exceeding the rates usually paid for such work, and for other expenses of engraving and printing notes, bonds, and other securities of the United States, \$1,175,000.

For materials other than paper required in the work of engraving and printing, \$200,000.

For the purchase of engravers' tools, dies, rolls, and plates, and for machinery and repairs of the same, \$60,000.

The motion of Mr. GARFIELD was agreed to.

The Clerk read as follows:

SEC. 3. That it shall be the duty of the heads of the several Executive Departments, and of other officers authorized or required to make estimates, to furnish to the Secretary of the Treasury, on or before the 1st day of October of each year, their annual estimates for the public service, to be included in the Book of Estimates prepared by law under his direction.

Mr. GARFIELD. I move to amend by adding to the section just read the following:

And the Secretary of the Treasury shall submit as a part of the appendix to the Book of Estimates such extracts from the annual reports of the several heads of Departments and Bureaus as relate to estimates for appropriations and the necessities thereof.

The amendment was agreed to.

Mr. SMITH, of New York. I now offer the following amendment, to come in as a separate section:

No judgments of the Court of Claims shall be paid beyond the amount of the appropriation made in this act and any unexpended balance of former appropriations, for the payment of the judgments of said court.

Mr. HANCOCK. I object to that amendment.

Mr. YOUNG, of Georgia. I hope the amendment will not be adopted.

Mr. GARFIELD. I make the point of order that the provision of the amendment in regard to any unexpended balances under former laws is new legislation.

Mr. MAYNARD. I think this amendment will not effect the purpose which the gentleman from New York [Mr. SMITH] desires to accomplish, because under the act to which he is referring the action of the Court of Claims stands in a peculiar attitude. It is not within the general jurisdiction of the court; but the court by that act is made the arbiter, so to speak, to dispose of a special fund. This fund is not in the Treasury proper; it is not covered into the Treasury technically; but is lying there waiting till parties supposed to be entitled to it shall present their proofs, which they are required to do in the Court of Claims, instead of sending them to the Treasury Department.

Mr. SMITH, of New York. A single word in answer to my friend from Tennessee, [Mr. MAYNARD.] This amendment is based upon the fact now ascertained that this money is being appropriated by the Court of Claims, Congress and the people knowing nothing about it. I appeal to my friend from Ohio, [Mr. GARFIELD,] and submit that it is hardly just, it is scarcely in consonance with what the people demand, that he should raise a point of order to prevent the adoption of this amendment designed to let Congress and the people know what is being done with this money.

Mr. MAYNARD. I suggest to the gentleman that he would reach the object he wishes to attain by providing that this money shall be covered into the Treasury. It will then stand like any other money in the Treasury, subject to be drawn out only by appropriations. The money is not as yet covered into the Treasury.

Mr. SMITH, of New York. It has been understood heretofore for years that this money was so covered into the Treasury that it required an appropriation of Congress to take it out, and the chairman of the Committee on Appropriations has so said here to-day. An amendment in the form suggested by the gentleman from Tennessee [Mr. MAYNARD] is even more obnoxious to the point of order than in the form in which I have put it. I am sorry that the point of order is insisted on.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] raises the point of order upon the amendment that it is not simply a restriction upon the appropriations in this bill, but a restriction upon unexpended balances not covered by the bill, and therefore changes existing law. The Chair is compelled to sustain the point of order. The amendment is not before the committee.

Mr. GARFIELD. I move that the committee rise, and report the bill with the amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ELLIS H. ROBERTS reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the bill (H. R. No. 3813) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and had directed him to report back the same with sundry amendments, and, as amended, recommend its passage.

Mr. GARFIELD. I desire to offer an amendment that should have been submitted in its appropriate place as we went through the bill, but it did not get here in time from the Department. The contingent expenses of the secretary's office of Utah Territory were not estimated for until the bill was made up. I move to amend by inserting the following at the end of line 980, under the head of "Contingent expenses for the Territory of Utah:"

For rent of secretary's office, \$600; storage and care of Government property \$300; fuel, \$200; stationery, lights, and incidental expenses, \$500; in all, \$1,600.

The amendment was agreed to.

Mr. GARFIELD. I have received a letter from the Auditor for the Post-Office Department, calling my attention to the fact that under the Revised Statutes the title of the "Auditor for the Post-Office Department" has been changed, and that officer is now known as the "Sixth Auditor" only, not as the "Auditor for the Post-Office Department." Therefore I move to amend by striking out in line 476, after the word "Auditor," the words "of the Treasury for the Post-Office Department," and inserting before the word "Auditor" the word "Sixth." Upon this subject I submit the following documents:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, December 18, 1874.

SIR: I have the honor to inclose herewith a copy of a letter addressed to the Secretary of the Treasury, and beg to call your attention to that portion relating to the appropriation for salaries for this office for the fiscal year ending June 30, 1876, under the name of "Office of the Auditor of the Treasury for the Post-Office De-

partment," while the Revised Statutes would seem to necessitate a change to that of "Office of the Sixth Auditor."

I am, respectfully, your obedient servant,

J. J. MARTIN,
Auditor.

Hon. J. A. GARFIELD,
Chairman Committee on Appropriations,
House of Representatives.

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, December 17, 1874.

SIR: I have the honor to call your attention to the fact that, by the laws relating to the Treasury Department, chapter 4, as compiled from the Revised Statutes of the United States, approved June 22, 1874, the title of the Auditor of this office appears to have been changed to that of Sixth Auditor, and to request instructions as to how far this change of title may affect the appointments of employees of this office and also the general business thereof. At present all books, blanks, envelopes, &c., bear the designation of "Office of the Auditor of the Treasury for the Post-Office Department," and the appropriation for salaries for the year ending June 30, 1876, is being made under the same name.

I am, respectfully, your obedient servant,

J. J. MARTIN,
Auditor.

Hon. B. H. BRISTOW,
Secretary of the Treasury, Washington, D. C.

The amendment was agreed to.

Mr. WHEELER. I move to amend by striking out the following amendment adopted in Committee of the Whole:

For the support and maintenance of the National Military Asylum for the relief of totally disabled officers and men of the volunteer forces of the United States, \$500,000, or so much thereof as may be necessary.

I move further to amend by striking out the following:

The amount necessary for the support and maintenance of said home for the balance of the fiscal year ending March, 1875, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and is made available on and after the first day of April, 1875, subject, nevertheless, to the provisions herein before contained as to unexpended balances of moneys heretofore drawn or received, and to all other provisions regulating the annual appropriations hereafter to be made as herein provided.

I find on examination at the Treasury Department that this home for disabled soldiers has an accumulated fund of \$590,250 invested in United States securities; an ample fund to carry it through the remainder of the fiscal year after the 1st of April next, and to carry it through the next fiscal year. Consequently there is no necessity for any appropriation in this bill.

The amendment was agreed to.

Mr. HALE, of Maine. I am directed by the Committee on Appropriations to move an amendment in reference to the building now occupied by the State Department, on Fourteenth street, which I ask the Clerk to read.

The Clerk read as follows:

For rent of building on Fourteenth street, to the time of expiration of lease \$4,000, or so much thereof as may be necessary.

Mr. GARFIELD. We have cut out all appropriation for the rent of that building for the next fiscal year supposing it would not be used by the State Department, but the lease does not expire until sometime in the next fiscal year, and therefore we have to make provision for that rent.

Mr. HOLMAN. What building does this refer to?

Mr. HALE, of Maine. The building now occupied on Fourteenth street by the State Department.

Mr. HOLMAN. Was it omitted by mistake?

Mr. GARFIELD. It was. We struck out the whole supposing we would not need the building in the next fiscal year, but the Secretary of State informs us the lease does not expire until next fall, and we therefore have to make appropriations to pay for the rent in the next fiscal year.

Mr. HOLMAN. I wish to be considered as objecting to any agreement on the part of this House to the proposition that the head of any Department of the Government can bind Congress to make appropriations in the future because of the terms of any lease he has made unless under specific appropriation therefor made by Congress.

Mr. GARFIELD. I demand the previous question on the bill and pending amendments.

The previous question was seconded and the main question ordered.

Mr. MAYNARD. I suggest now that the House adjourn, and this bill and pending amendments will come up the first thing in the morning.

ADJOURNMENT OVER.

Mr. POLAND. I move that when the House adjourns to-day it adjourn to meet on Monday next.

Mr. MAYNARD. I hope not.

Mr. GARFIELD. I suggest that we meet to-morrow for debate only, no business whatever to be transacted.

Mr. YOUNG, of Georgia. I object.

The SPEAKER. The gentleman's proposition is that no business whatever is to be transacted.

Mr. YOUNG, of Georgia. I withdraw my objection.

Mr. CROOKE. I beg leave to object, because these meetings on Saturday for debate only, no business to be transacted, have brought this House into disrepute more than any other thing.

The question recurred on Mr. POLAND's motion to adjourn over.

The House divided; and there were—ayes 98, noes 42.

Mr. MAYNARD demanded the yeas and nays.

The yeas and nays were not ordered.

So the motion was agreed to.

Mr. POLAND moved to reconsider the vote by which the House agreed to adjourn until Monday next; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I move to reconsider the vote by which the main question was ordered. Before that question is put, Mr. Speaker, I will myself occupy a few moments of the time allowed me under the rules. I wish first to call the attention of the House to one or two amendments where I have made a mistake, which I wish the House to correct. I moved to strike out the words "newspapers and," and I find in doing so I have stricken out what has been included in this appropriation bill for a series of years. The clerks of the respective Houses subscribe for newspapers for members for their convenience, which are paid for out of the \$125 a year allowed to members. The words "newspapers and" should therefore stand as they were originally reported in the bill.

Mr. HOLMAN. The only effect of putting these words back in the bill is to keep in office at a high salary a clerk to attend to that duty. I believe every member of the House can subscribe himself for the different papers he may need without the interposition of this clerk.

Mr. GARFIELD. The Clerk of the House says this must be done in order to have subscribed for the newspapers which are paid for out of the sum allowed members.

Mr. Speaker, but few changes have been made in the text of this appropriation bill. The great change has been made in regard to the national asylums. The statements made a short time ago by my colleague on the committee [Mr. WHEELER] show we need not appropriate a dollar for them for the coming year, because they have on hand an accumulated fund of nearly half a million dollars. We have therefore struck out the clause appropriating half a million dollars for that purpose.

I now desire to yield to the gentleman from Indiana [Mr. TYNER] in regard to the rent for the use of a building for the Post-Office Department, in reference to which the House, I think, last night was disposed to go off rather hurriedly without full information.

Mr. TYNER. When the question was raised yesterday about the rent of a building for the Post-Office Department, my colleague [Mr. WILSON] made some suggestions to the committee which, I have no doubt, induced the committee to cut down the amount reported by the Committee on Appropriations. In the debate which occurred upon that subject I stated my recollection about some of the facts connected with the rent of that building, but since that time I have taken occasion to make further inquiry. All the papers relating to the renting of that building were submitted to the Committee on Appropriations last year by the Postmaster-General, and printed by order of the House in Miscellaneous Document No. 42, first session of the present Congress. Now, I wish to call the attention of the House for a few moments to the facts presented by this document.

The Postmaster-General, finding it necessary to secure additional rooms for the clerical force of his Department, appointed a committee consisting of two officers of the Treasury Department, the Sixth Auditor, the chief clerk of the Sixth Auditor's Office, the Third Assistant Postmaster-General, the chief clerk of the Third Assistant Postmaster-General, and the principal clerk of the stamp division of his department, to examine eight different buildings which had been called to his attention in the vicinity of the Post-Office Department. That committee, after a thorough examination, reported to him, under date of May 9, 1873, that in their judgment the house known as No. 708 E street, immediately opposite the main entrance to the Department, was the better one for the Department to rent. In that report they stated to the Postmaster-General that the building contained some fourteen or fifteen rooms, all of good size, and many of them larger than the rooms of the Post-Office building, and that the rent proposed for that building was \$400 per month, or \$4,800 per year. It seems that the Postmaster-General thought that that building was scarcely adequate to the wants of the Department and that the rent was too high, and he therefore submitted the matter to the Supervising Architect of the Treasury, who detailed A. G. Mills, his chief clerk, and W. T. Dewdney, assistant superintendent of the State Department, to make a personal investigation of all these buildings. They reported to the Supervising Architect, under date of May 26, that in their judgment the building 915 E street, which was finally rented to the Department, was the better one. I shall quote a sentence or two from their report:

This building we consider the best adapted for office purposes, for the reason that the back building is separated from the main building by an area and brick covered hall-way, which admits of two rear windows to each floor, thus admitting to the main building more light and air from the rear than either of the other premises which have a back building afford.

And they wind up their report by saying:

We express no opinion upon the eligibility of the location of these buildings nor upon the rent asked for the same.

Upon the submission of that report to the Supervising Architect, he reports to the Postmaster-General that he also personally examined

all of these buildings, and he says that in his judgment 915 E street is the best one for the Department to rent. And he adds:

The only objection that can be made is the amount of rental, which is in my opinion rather high.

And then he recommends the lease of this property, provided the terms are or can be made satisfactory to the Department. Upon that the Postmaster-General began to negotiate for the lease of the property, and one A. C. Bradley leased that building to the Post-Office Department for a term of three years, under date of the 6th of June, 1873.

So far as the papers that are on file show, A. C. Bradley was the owner of that building on the 6th of June, 1873, and not Alexander R. Shepherd as was suggested in the discussion yesterday. But to cover that point I telegraphed to the Postmaster-General since the House has been in session to-day, putting to him this inquiry:

Inquire of Mr. A. C. Bradley, lessor, if he were the *bona fide* owner of the premises No. 915 E street on the 6th day of June, 1873, the date of the lease.

And I received from him a few minutes ago this answer:

WASHINGTON, D. C., December 18, 1874.

Hon. J. N. TYNER:

Tax-books show deed Henry D. Loney to Andrew C. Bradley, June 7, 1873, and Andrew C. Bradley to A. R. Shepherd, August 27, 1874. Recorder's office closed. Mr. Bradley states that the property was conveyed to him absolutely and in fee-simple by Stickney, and others, of Freedman's Bank.

MARSHALL JEWELL,
Postmaster-General.

Now, that I apprehend ought in the absence of record evidence to establish the fact that A. R. Shepherd was not the owner of the building at the time it was leased to the Post-Office Department.

Mr. COTTON. What difference does it make who owns the building?

Mr. TYNER. That is not the question we are discussing now. I am only talking in reference to what occurred yesterday.

Again, I find on inquiry at the Department, of the First Assistant Postmaster-General, that he never heard of Mr. Shepherd in connection with this property until the month of November last; and on examination of the receipts which were taken for this rent, in the hands of Mr. Chenoweth, the disbursing officer for the Department, I find that A. C. Bradley has received his rents for this building down to September 30, 1874, and under date of 21st of November, Bradley notified the Department that he had sold the property to Alexander R. Shepherd. This, I think, constitutes sufficient proof as to the ownership of the property in the absence of record evidence.

Now let me say one word as to the rate at which the building is rented. The Postmaster-General, under the advice of the Supervising Architect, declined to give \$400 per month; but he did negotiate for it at the rate of \$350 per month, or \$4,200 a year. Previous to this lease the Department rented a stable for the use of the horses connected with this Department at the rate of \$30 per month, or \$360 a year. There was a brick stable upon these premises, and immediately upon the execution of this lease the former stable was abandoned and this stable used, a saving being effected in that way of \$360 a year.

Again, sir, the lowest rent for any property which these several committees reported to the Department was that for the property on E street, immediately opposite the main entrance of the Department. This contains fifteen rooms, and the rent would have been \$4,800 a year; while the Postmaster-General rented the premises at 915 E street at \$4,200, being \$600 less for a building which contains twenty-two rooms as against the fifteen rooms in the other building.

I only desire to say, in conclusion, that so far as I am individually concerned I do not care a fig about the rent of this building. I know nothing about it except in my connection with the Committee on Appropriations; but I desired to bring before the House facts to show them that the Committee on Appropriations, instead of being derelict in duty in hunting up all the circumstances connected with this transaction, were, in my judgment, more fortified in their action upon it than in any other case that I have known to be brought before the committee.

Mr. GARFIELD. I now yield three minutes to the gentleman from Indiana, [Mr. WILSON.]

Mr. WILSON, of Indiana. Mr. Speaker, this matter has been talked about as though I had made the objection yesterday and moved to strike out this feature of the bill because a particular person was the owner of the premises. At that time I entirely disclaimed any such purpose. I stated then, and I state now, that I had received information that the rent paid for the property was inordinate. I did not know that there was any appropriation for it in this bill until a few minutes before the Clerk reached that portion of the bill. But there is, nevertheless, something peculiar about this whole business. If the amount of rent is not larger than ought to be paid, I do not care who owns the property. I want the party paid all that it is reasonably worth, but I called the attention of the House yesterday to the fact that but a short time ago this property was sold for \$13,000 to the Freedman's Bank. I have now a memorandum which has been handed to me, and I will cite from it some dates. On the 1st of July, 1872, the property was sold to the Freedman's Bank in trust for \$13,000, and, as I understand the law to be, that \$13,000 was the actual consideration paid for the property. Then, on the 16th of June, 1873, this property was conveyed by the Freedman's Bank to

Mr. A. C. Bradley for \$18,500, and on the 27th of August, 1873, as I have it—my colleague says it was in 1864—I do not know which is right—

Mr. TYNER. I quoted from the answer to my telegram from the Postmaster-General which was based upon the tax-book.

Mr. WILSON, of Indiana; exactly. He took it from the tax-book. I take it from the transcript or abstract of the record as handed to me, which shows the date to be the 27th of August, 1873, and the consideration named \$18,500.

Now it strikes me that a payment of \$4,200 a year would in five years pay for a property selling first for \$13,000 and then for \$18,500, and therefore that it is an inordinate rent and the matter ought to be inquired into. Here we are paying in five years \$3,000 more than the property is selling for in the market. It strikes me that that is an inordinate rent and that its payment is a matter that ought to be inquired into.

Now, in order to satisfy myself in regard to this matter, I called at the Post-Office Department this morning myself, and then for the first time I got the information contained in the document from which my colleague has been reading. The House will remember that I first put interrogatories to the chairman of the committee with a view of eliciting information on the subject as to the value of the property and as to the rent paid; but the matter had passed out of the mind of the chairman, and he was unable to give me that information. It was for the purpose of calling the attention of the House to the subject that I made the statement I did.

Now, on examination of this document I find two peculiar things. In the first place, on the 22d of May, 1873, Mr. B. H. Warner was proposing to rent this property to the Government at the rate of \$400 per month. How he happens to figure in connection with this property I do not know. I take it for granted that he was the owner, but this abstract furnished to me does not show that Mr. Warner had any interest in the property or that any conveyance of it had ever been made to him. Perhaps my colleague is better informed on this point than I am. And on the 22d of May he was making propositions to the Post-Office Department to rent this very property to the Government for \$400 a month.

Then in looking over this matter I find another peculiar thing. I find that Mr. Bradley got a conveyance of this property from the Freedman's Savings Bank on June 16, 1873, and ten days before that he had made a lease of this property to the Government under the lease already spoken of. My colleague says he had another conveyance from somebody else one day before he made this lease. Now, how this is I do not know. There seems to be a great deal of mixing up of this matter.

As I said before, I have no disposition to interfere with the rents of any gentleman, provided they are fair and reasonable. I do not care whether this property is leased to the Department by Shepherd or anybody else. All I knew was that here was this property, the deeds on file showing its value, and it is rented at such rates that in five years the owner would get thousands more than it is worth.

Mr. TYNER. The lease is for three years, not for five.

Mr. WILSON, of Indiana. It is for three years, with the privilege of two more.

Now, one word more with reference to a point raised yesterday by the gentleman from Massachusetts, [Mr. G. F. HOAR.] It is due to the Postmaster-General, Mr. Creswell, that it should be stated to the House—then I believe my colleague did not state it, and therefore as a matter of justice I do so—that there is in this lease this clause:

And it is hereby mutually understood and agreed, by and between the parties hereto, that this lease is made subject to an appropriation by Congress, for the payment of the rental herein stipulated for, and that no payment shall be made to said party of the first part on account of such rental until such appropriation shall be available.

The House will see that the Postmaster-General fortified himself in that direction. He put that provision into the lease, and it is not subject to criticism on that account.

Mr. TYNER. Then allow me to put this question to my colleague: As Congress ratified that lease by appropriating money in the deficiency bill of last year to pay the rent of this building for a portion of one year, and in the regular appropriation bill for the period of a whole year, does not that bind Congress to carry out the lease?

Mr. WILSON, of Indiana. I say not; that depends altogether upon whether or not the Postmaster-General had the right to do this thing. If he rented property without authority of law, I do not concede that we are bound for the whole of the rental because Congress may have made an appropriation to pay a part of it.

Mr. RANDALL. There are two reasons which I think guided the House in its action yesterday: The first was that the rent for this building was enormous; the next was the point made by the gentleman from Massachusetts, [Mr. G. F. HOAR,] that the Postmaster-General had no right to bind the Government either for three or five years. The Constitution itself provides that even Congress shall not possess power to make appropriations for the Army for more than two years. And the conclusion is, that expenditures in any Department of the Government certainly should not be incurred by any officer of the Government beyond that time.

Mr. G. F. HOAR. I desire simply to say that it seems to me, on the statement of the gentleman from Indiana, [Mr. WILSON,] that the Postmaster-General took exactly the view which is taken by the

gentleman from Pennsylvania, [Mr. RANDALL;] and he was bound to take that view by previous legislation of Congress, which of course he was bound by. It now appears that he put into that lease for three years, with the option for two more, a provision that it should be binding only in case of an appropriation by Congress to that extent. Now, of course that makes the lessor of the building subject to the condition that Congress by failing to appropriate for the rent in any year terminates the lease. In other words, it is a lease binding upon the lessor and not binding upon the Government, either in law or in honor, except as a lease from year to year and subject from year to year to the renewal of the approbation of Congress. It seems therefore that the Postmaster-General obeyed the law and protected the Government in all respects, unless it shall appear that the amount of rent is improper, about which of course I know nothing.

Mr. GARFIELD. A word only in regard to this rent. Since the House adjourned yesterday I have looked over a statement of the rents paid by the Government for buildings in this city. And I am satisfied, judging from information which has been printed and laid on our tables, showing not only the character of the lease but the size of the building and the comparative value of this building and five others examined by the commission, and a statement of the rent at which they could be obtained, that this was the most eligible and on the whole the most desirable, both as to accommodation and prices, of the buildings to be had. For instance, the Secretary of State pays \$1,000 a year for a stable and wagon-shed which is probably not worth over \$5,000 altogether. We were paying \$17,000 rent for three floors of the Freedman's Bank building; but the Committee on Appropriations last year, thinking that too large a rent, called before us the party from whom it was rented, and said that we should order the building abandoned altogether unless he would cut down the rent; whereupon it was cut down to \$14,000, which was regarded on all hands as a reasonable rent. What is known as the Kidwell building, now occupied by the Bureau of Statistics, is now rented for \$5,000 a year.

Mr. RANDALL. Is it done in accordance with law?

Mr. GARFIELD. This is all done under the law, as I understand. Of course we can at any time stop appropriating money to pay these rents, and thereby we would vacate the leases, I suppose. Let me specify another case. The building occupied by the Paymaster-General and his force is rented by the Government; and we pay for rent and fuel \$12,000. Just how much of that is rent I do not know; but probably not less than \$10,000. That, of course, is a large building. But in the case now under consideration the Postmaster-General took every possible precaution; and I think we are not paying a very large rent for this building.

Mr. BUTLER, of Massachusetts. Do we pay the taxes?

Mr. GARFIELD. I do not know; I presume not; I presume we do not pay anything but the rent. This building was originally constructed for a dwelling-house; but when it is occupied by a number of clerks, with their desks and books and papers, the Government must expect to pay somewhat more rent than would be charged to a private family using the building in a more quiet way than the Government uses it.

Mr. KELLOGG. How does the rent of that building compare with the rates charged to members of Congress here?

Mr. GARFIELD. A man cannot ordinarily get a parlor and bedroom for less than \$100 a month, and in many cases considerably more is charged.

Mr. WILSON, of Indiana. I wish to say only one word further in regard to this matter. Upon the statement of the chairman of the Committee on Appropriations as to the rents the Government is paying, it seems to me it is about time something should be done for the purpose of correcting this matter. Certainly these rents mentioned by that gentleman cannot be regarded as reasonable; and if other Departments are paying extravagant rents it is no reason why an extravagant rent should be paid by the Post-Office Department.

Now, I am told by a gentleman who I am confident knows exactly what he is talking about, that just before the renting of this building for the use of the Post-Office Department this very property was rented for \$1,800 a year, and there was a stipulation that so soon as another renting could be made at \$2,000 a year that tenant should go out or retain the property at \$2,000 a year. That is the rent at which the building was held. But when the Government came to be dealt with, as a matter of course the Government must pay two or three times more than anybody else.

I care nothing about this matter. If the House, in view of all the facts, thinks this a reasonable rent for the property, I certainly have no personal objection. If it is not a reasonable rent, then as a matter of course we ought to strike out the appropriation, or at least retain it in the form amended in the Committee of the Whole.

Mr. TYNER. I call for a separate vote upon this amendment.

Mr. CONGER. I desire to call for a separate vote on the amendment abolishing the Capitol police. I wish to make a brief statement. This police force consists of thirty members. Of that number twenty are soldiers who have been specially put upon that force because they were disabled by wounds or had rendered meritorious service in the war; nine of them have been disabled so that, although they can walk about and perform all the duties of police in watching this building, they are unfit for other service; three of them have each lost an arm.

Now, it is somewhat remarkable that almost the only proposition made here in the way of economy is one to strike from their positions in our service the disabled soldiers on the police in our Capitol. That the services of these men are needed is apparent, because the amendment itself provides as watchmen almost the same number; but it calls them by another name and reduces their salary to a mere pittance, upon which a man can scarcely live. I ask of the House that by this amendment a blow shall not be directed against these disabled soldiers serving upon the police of the Capitol. I may say that I was surprised that the gentleman from Indiana, [Mr. HOLMAN;] who during all my acquaintance with him here has been the soldiers' friend, should direct his most vigorous and direct attack against the few that are left in place about this Capitol.

Mr. HOLMAN. I desire to say that I do not know personally a single gentleman on the police force. I know very well that if, as I understand from the gentleman's statement, a number of disabled soldiers are employed upon the Capitol police, then when their service is not required upon that force they certainly can be employed as watchmen; and we have provided for an increase of watchmen from eight to twenty-one. I trust my friend from Michigan, [Mr. CONGER;] if the amendment of the Committee of the Whole should be adopted by the House, will see that these disabled soldiers are employed on that force of watchmen which it is very probably necessary to increase.

The SPEAKER. A separate vote has been asked by the gentleman from Indiana [Mr. TYNER] upon the amendment; which will be read.

The Clerk read as follows:

Strike out in line 1586 the word "four" and insert "two," so that the clause will read:

For rent of house numbered 915 E street northwest, \$2,200; *Provided*, That the above sum shall not be deemed to be paid on account of any lease for years of said building.

The question being taken on agreeing to the amendment, it was agreed to, there being—ayes 79, noes 72.

The SPEAKER. The next amendment upon which a separate vote has been asked by the gentleman from Michigan [Mr. CONGER] will be read by the Clerk.

The Clerk read as follows:

Page 5, line 104, strike out "three lieutenants, \$1,600 each; twenty-seven privates, at \$1,400 each, \$37,800;" and strike out "eight" and insert "twenty-one," so it will read "twenty-one watchmen, at \$1,000 each."

The House divided; and there were—ayes 48, noes 95.

Mr. STORM demanded the yeas and nays.

The House divided, and there were—ayes 21, noes 106.

So (one-fifth not having voted in the affirmative) the yeas and nays were not ordered.

So the amendment of the Committee of the Whole was non-concurred in.

The SPEAKER. A separate vote not being called for upon any of the other amendments, they will be considered as concurred in.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARFIELD 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.

TROUBLES IN LOUISIANA.

Mr. G. F. HOAR. I ask unanimous consent to submit the following resolution.

The Clerk read as follows:

Resolved, That the select committee to whom was referred so much of the President's message as relates to the condition of the South be authorized to employ a clerk and stenographer; and either as a committee or by a sub-committee of their number to send for persons and papers, and to proceed to the State of Louisiana, to make such investigations as they shall deem necessary.

Mr. HOLMAN. A stenographer is necessary, but a clerk certainly is not.

Mr. G. F. HOAR. A sub-committee will be charged with that duty, for it will not be necessary for more than three of that committee to go, and they do not propose to employ a clerk if they can get along without one.

Mr. HOLMAN. The duties of some of the most laborious committees of this House—committees charged with similar duties—have been carried on with a stenographer and without the employment of a clerk.

Mr. G. F. HOAR. It is quite obvious it may be necessary in the course of the investigation to have a clerk who will take charge of summoning witnesses and keeping the records and other papers of the committee. If the House is willing to trust this committee, I think the resolution I have offered should be adopted.

Mr. GARFIELD. I think the House is willing to trust the committee.

Mr. MAYNARD. It is absolutely impossible to conduct such an investigation as has been intrusted to that committee without the employment of a stenographer and a clerk.

Mr. G. F. HOAR. I am a member of the sub-committee, and the gentleman may be assured we will not do anything which we shall consider unnecessary.

The resolution was adopted.

Mr. G. F. HOAR moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEATH OF HON. JOHN B. RICE, OF ILLINOIS.

Mr. FORT. Mr. Speaker, I rise to perform the painful duty of announcing to this House that the public press brings to us the sad intelligence of the death last night, at Norfolk, Virginia, of the Hon. JOHN B. RICE, of Illinois. I move, therefore, that a committee of five members of this House be appointed by the Speaker to attend the funeral of my deceased colleague, and convey his remains to the grave near his home in Illinois.

The SPEAKER. The gentleman from Illinois announces to the House the death of his colleague, and moves that a committee of five be appointed by the Chair to attend the remains to their last resting-place.

The motion was agreed to.

The SPEAKER. In announcing the committee, as the Chair has not had time to consult gentlemen whether it will be convenient for them to leave, he asks the privilege of the House, as it has agreed to adjourn over until Monday next, that if any gentleman he announces shall decline to serve he may fill the vacancy without making the announcement to the House.

There was no objection.

Mr. GARFIELD. I again ask unanimous consent, in behalf of a number of gentlemen who desire to make speeches, that we shall meet to-morrow for debate only, no business whatever to be transacted.

Mr. YOUNG, of Georgia. I object.

The SPEAKER announced, as the committee ordered by the resolution just adopted, Mr. FORT of Illinois, Mr. CLYMER of Pennsylvania, Mr. WARD of Illinois, Mr. BURROWS of Michigan, and Mr. SOUTHARD of Ohio.

Mr. FORT. I now move, as a further mark of respect to the memory of my deceased colleague, that the House adjourn.

The motion was agreed to; and (at four o'clock and forty-five minutes p. m.) the House adjourned till Monday next.

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. BLAND: The petition of citizens of Benton County, Arkansas, for establishment of certain post-routes, to the Committee on the Post-Office and Post-Roads.

By Mr. DANFORD: The petition of Thomas Parry, formerly of Thirtieth Ohio Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. FARWELL: The petition of citizens of Chicago, for a further extension of the pier at Marquette, to the Committee on Commerce.

By Mr. LYNCH: The petition of John R. Reynolds, of Dayton, Ohio, to be compensated for supplies furnished the United States Army in Mississippi, to the Committee on War Claims.

By Mr. NIBLACK: The petition of the heirs at law of Kenneth B. Rowe, deceased, late second lieutenant One hundred and forty-fourth Indiana Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. NILES: Papers relating to the claims of Turner Bobbitt and Jonathan Summers, of Scott County, Mississippi, to the Committee on War Claims.

By Mr. PARSONS: The petition of Harvey Crittenton, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. PERRY: The petition of Horace L. Emery, for extension of letters-patent, to the Committee on Patents.

By Mr. PHILLIPS: Memorial of citizens of Kansas, in relation to the currency and taxation, to the Committee on Ways and Means.

Also, resolutions of the Legislature of Kansas, in relation to settlers on Miami Indian lands, to the Committee on Indian Affairs.

Also, resolutions of the Legislature of Kansas, recommending a change in the management of Indian affairs.

Also, resolutions of the Legislature of Kansas, in favor of postponing payments on public lands in the State of Kansas, to the Committee on the Public Lands.

Also, resolutions of the Legislature of Kansas, asking that homestead settlers in Kansas may be absent from their lands one year, to the Committee on the Public Lands.

Also, resolutions of the Legislature of Kansas, for postponing time of payment to settlers on Kansas Indian reserve and trust lands, to the Committee on the Public Lands.

By Mr. STANDIFORD: The petition of tobacco manufacturers, warehousemen, and leaf-tobacco dealers, for the repeal of the import duty on licorice paste, to the Committee on Ways and Means.

By Mr. STONE: Memorial of the Union Merchants' Exchange and Board of Trade of Saint Louis, Missouri, for aid to the Texas and Pacific and the Atlantic and Pacific Railroads, to the Committee on the Pacific Railroad.

By Mr. THORNBURGH: The petition of Colonel F. Young, for a pension, to the Committee on Invalid Pensions.

By Mr. YOUNG, of Georgia: The petition of John McIntire, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

MONDAY, December 21, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.
Hon. THOMAS W. TIPTON, from the State of Nebraska, appeared in his seat to-day.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of the senate and house of representatives of the Legislature of the State of Arkansas, in favor of the repeal of the law imposing penalties on any person selling leaf-tobacco to any one except a licensed tobacco dealer; which was referred to the Committee on Finance.

Mr. CONOVER presented the petition of Mrs. Margaret E. Johnson, widow of Charles M. Johnson, late master of the schooner Pickering, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. HAGER. I present the memorial of certain citizens of California, in regard to Alaska. These memorialists have gone to considerable expense in fitting out an exploring party to examine timber lands in that Territory so far as it may be adapted to ship-building. They have obtained valuable statistics from the explorations that have been made, and they now memorialize Congress for the privilege of buying a tract of timber land with a view to establishing ship-yards there for the construction of ships. In California there has been great difficulty hitherto in getting sufficient ships to carry our grain to the markets of the world, and the idea is that if our people engage in ship-building a great many of the farmers there will unite to buy the ships in order to transport their grain. I move that the memorial be printed and referred to the Committee on Public Lands, as it relates to the purchase of a tract of land, and I think should more properly go to that committee than any other.

The motion was agreed to.

Mr. BOUTWELL presented a memorial of the Massachusetts State Temperance Alliance, signed by Rev. A. A. Miner, president, and Rev. W. M. Thayer, secretary; the memorial of the ministers' meeting of the Methodist Episcopal Church of Boston and of a large number of clergymen, praying for the prohibition by appropriate legislation, of the manufacture, importation, and sale of all alcoholic beverages in the District of Columbia and in the Territories of the United States; which were referred to the Committee on Finance.

Mr. HOWE presented the petition and accompanying papers of Harry E. Eastman, late of the Second Wisconsin Cavalry, praying to be allowed the pay and allowances of a lieutenant-colonel of that regiment from May 1, 1864, to February 1, 1865; which was referred to the Committee on Claims.

Mr. SCOTT. I present the memorial of the preachers' meeting of the Methodist Episcopal Church of Philadelphia, asking Congress, by appropriate legislation, to prohibit the manufacture, importation, and sale of all alcoholic beverages in the District of Columbia and in the Territories of the United States. These memorials, I believe, at the last session were referred to the Committee on Finance, and that committee reported a bill on the general subject, which I believe is yet on the Calendar. I suppose the petitions may as well go back to that committee.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Finance.

Mr. PRATT presented the memorial of the Pennsylvania State Temperance Union, signed by James Black, president, and Rev. D. C. Babcock, secretary, praying for the prohibition by appropriate legislation of the manufacture, importation, and sale of all alcoholic beverages in the Territories of the United States and the District of Columbia; which was referred to the Committee on Finance.

He also presented the petition of R. L. Laws, commander in the United States Navy, praying to be restored to the position in the Navy that he occupied prior to July, 1866, next below Captain W. W. Low; which was referred to the Committee on Naval Affairs.

He also presented the petition of James Ballard, of Madison County, North Carolina, praying to be restored to the pension-rolls; which was referred to the Committee on Pensions.

Mr. SPENCER presented the memorial of the Grand Lodge of Good Templars of the State of Alabama, signed by the officers, representing fifteen thousand members, praying for the prohibition by appropriate legislation of the manufacture, importation, and sale of all alcoholic beverages in the Territories of the United States and in the District of Columbia; which was referred to the Committee on Finance.

Mr. EDMUNDS. I ask leave to present a memorial styled the "national prohibition memorial," addressed to this body and the House of Representatives, setting forth that the memorialists believe the alcoholic-liquor traffic to be the chief cause of a large proportion of the prevailing pauperism, crime, and disease, and that it is inimical to morality, religion, and the general welfare, and they ask Congress to prohibit, by appropriate legislation, the manufacture, importation, and sale of all alcoholic beverages in the District of Columbia and throughout the Territories of the United States under the immediate jurisdiction of the National Government. This memorial is signed by Mr. H. P. Cushing, Hon. John B. Mead, and other distinguished citizens