

By Mr. KELLEY: The petition of citizens of the twenty-seventh ward of Philadelphia, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. MAYNARD: The petition of citizens of Cooke, Jefferson, Sevier, and Knox Counties, Tennessee, for the improvement of the navigation of the French Broad River, to the Committee on Commerce.

By Mr. MERRIAM: The petition of citizens of Jefferson County, New York, against the restoration of tax on tea and coffee, to the Committee on Ways and Means.

Also, the petition of citizens of Jefferson County, New York, for an appropriation to improve the mouth of Big Sandy Creek, in the town of Edinburgh, New York, to the Committee on Commerce.

By Mr. PACKER: Memorial of H. T. McAlister, of Pennsylvania, relative to his voting apparatus for legislative bodies, to the Committee on the Rules.

Also, the remonstrance of importers, merchants, and dealers in coffee in the city of Baltimore, against the imposition of a duty on coffee, to the Committee on Ways and Means.

Also, two petitions of citizens of Northumberland, Pennsylvania, for the restoration of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the same committee.

Also, petitions of citizens of Milton, Pennsylvania, and of Menada Furnace, Dauphin County, Pennsylvania, of similar import, to the same committee.

By Mr. POTTER: Memorial of Henry B. Dawson, proprietor of the Historical Magazine, New York City, relative to post-office irregularities, to the Committee on the Post-Office and Post-Roads.

By Mr. SPRAGUE: Petitions of the city council of Marietta, Ohio, and of citizens of Marietta and Harnar, Ohio, for an appropriation for the improvement of the Ohio River, to the Committee on Commerce.

By Mr. TOWNSEND: The petition of citizens of Chester County, Pennsylvania, for the repeal of the 10 per cent. reduction of duties made in 1872 and against the duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. WILSON, of Indiana: The petition of William L. Riley, of Washington, District of Columbia, to be paid for earth deposited in the Smithsonian Grounds, to the Committee on Appropriations.

By Mr. WOOD: The petition of C. R. Green, of New York City, to be reimbursed for loss of property by confederate cruisers, to the Committee on the Judiciary.

## IN SENATE.

FRIDAY, February 5, 1875.

### DEATH OF SENATOR BUCKINGHAM.

Rev. BYRON SUNDERLAND, D. D., Chaplain of the Senate, offered the following prayer:

Almighty God, we come before Thee admonished by the tidings of the morning that in the midst of life we are in death; that another member of this body has been called from the scene of his earthly labors. Bless and uphold, we beseech Thee, O Lord God, our Father in heaven, the members of his family and surviving friends in the midst of this great affliction; and may they, with us, not be left to sorrow as those that are without hope, because we are assured that though the workmen cease, yet the work of God shall never fail. O, do Thou help us, and all men, to bear with fortitude and fidelity the struggles and the pains of this earthly state, and finally to attain to the rewards of everlasting life, through Jesus Christ. Amen.

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

Mr. FERRY, of Connecticut. I rise, Mr. President, in the performance of what is to me the saddest duty of my public life. I announce to the Senate the death of my late colleague on this floor. This morning, at his home in Norwich, Connecticut, at twenty minutes past twelve o'clock, just as night was turning into morning, Governor BUCKINGHAM died. I hope on another occasion to be able to say something befitting his memory. At present, I offer this resolution:

*Resolved*, That a committee consisting of five Senators be appointed by the Chair to attend the funeral obsequies of Hon. WILLIAM A. BUCKINGHAM, at Norwich, Connecticut.

Mr. ANTHONY. Mr. President, I second the resolution.

The resolution was unanimously agreed to.

The VICE-PRESIDENT appointed as the committee Messrs. FERRY of Connecticut, SHERMAN, STEVENSON, FENTON, and WASHBURN.

Mr. FERRY, of Connecticut. The Senate is aware that in my own infirm condition of health it is hardly possible for me to proceed to the home of my late colleague and return immediately, without serious risk. Were there no other considerations than those personal to myself, I should certainly incur any risk to be present on the occasion to which I allude; but there are others interested in my health, and I must ask to be excused from serving upon the committee.

The VICE-PRESIDENT. The Senator from Connecticut asks to be excused from service on the committee.

The question was determined in the affirmative.

The VICE-PRESIDENT. The Chair will appoint in place of the Senator from Connecticut, the Senator from Maine, [Mr. HAMLIN.] Mr. FERRY, of Connecticut. I offer the following additional resolution:

*Resolved*, That as a further mark of respect for the memory of the deceased the Senate do now adjourn.

The resolution was agreed to, *nem. con.*; and (at twelve o'clock and sixteen minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

THURSDAY, February 4, 1875.

### AFTER THE RECESS.

The recess having expired, the House reassembled at ten o'clock a. m. Friday, February 5, 1875.

### SETTLERS UPON THE PUBLIC DOMAIN.

Mr. LUTTRELL, by unanimous consent, introduced a bill (H. R. No. 4548) to protect settlers upon the public domain; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

### A. G. TASSIN.

Mr. LUTTRELL also, by unanimous consent, introduced a bill (H. R. No. 4549) for the relief of A. G. Tassin; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### NATHANIEL JOHNSON COFFIN.

Mr. LUTTRELL also, by unanimous consent, introduced a bill (H. R. No. 4550) granting a pension to Nathaniel Johnson Coffin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### EXECUTIVE ORDER OF MARCH 12, 1873.

Mr. LUTTRELL. In the absence of the member from Nevada, I present concurrent resolutions of the Legislature of the State of Nevada, asking the passage of a resolution requesting the President to rescind the executive order of March 12, 1873, setting apart a large quantity of agricultural lands in Lincoln County, in the State of Nevada, for an Indian reservation, known as the Muddy or Moapa Indian reservation. I move that they be referred to the Committee on the Public Lands, and ordered to be printed.

The motion was agreed to.

### W. R. BOICE.

Mr. DURHAM, by unanimous consent, introduced a bill (H. R. No. 4551) for the relief of W. R. Boice, of Danville, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### REVENUE-CUTTER SERVICE.

Mr. CONGER, by unanimous consent, introduced a bill (H. R. No. 4552) for retiring from active service certain officers of the United States revenue-cutter service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

### THOMAS STRIDER.

Mr. HUNTON, by unanimous consent, introduced a bill (H. R. No. 4553) for the relief of Thomas Strider, of Winchester, Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

### JAMES W. LEWELLEN.

Mr. HUNTON also, by unanimous consent, introduced a joint resolution (H. R. No. 149) giving to the United States Court of Claims jurisdiction in the case of James W. Lewellen, of Richmond, Virginia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

### REMOVAL OF POLITICAL DISABILITIES.

Mr. COX. I ask unanimous consent to introduce a bill for the relief of an old associate here from his political disabilities—Mr. Hawkins, of Florida.

The SPEAKER. He has petitioned?

Mr. COX. Yes, sir.

No objection was made, and the bill (H. R. No. 4554) to remove the political disabilities of George S. Hawkins, of Florida, was read a first and second time, ordered to be engrossed and read a third time, and (two-thirds voting in favor thereof) was passed.

### COLLECTION OF CUSTOMS DUTIES.

On motion of Mr. POLAND, by unanimous consent, the bill (S. No. 964) to provide for the revision of the laws for the collection of customs duties was taken from the Speaker's table, read a first and second time, and referred to the Committee on Ways and Means.

### METROPOLITAN GROVE-YARD SLAUGHTERING COMPANY.

Mr. O'BRIEN (by request) introduced a bill (H. R. No. 4554) to incorporate the Metropolitan Grove-Yard Slaughter Company, in the District of Columbia, and for other purposes; which was read a first

and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

BETSEY A. EATON.

Mr. BURROWS, by unanimous consent, introduced a bill (H. R. No. 4555) granting a pension to Betsey A. Eaton, widow of William J. Eaton, late colonel Thirteenth Regiment Michigan Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAINTING OF GENERAL GEORGE H. THOMAS.

Mr. RANDALL. I ask consent to submit and have referred to the Committee on Appropriations the following resolution:

*Resolved*, That the Committee on Appropriations be instructed to make provision for purchasing Miss Ransom's painting of General George H. Thomas on the battle-field of Chickamauga.

Mr. MAYNARD. Does the gentleman ask to have that resolution adopted?

Mr. RANDALL. Only that it may be referred, in order to give the Committee on Appropriations an opportunity to consider that subject. I will say that I would like to appropriate almost any amount in order to have the picture of Major-General Thomas in every house in the land.

No objection was made; and the resolution was received and referred.

THOMAS H. MARSTON.

Mr. RANDALL. I submit the following resolution for adoption at this time:

*Resolved*, That there shall be paid, out of the contingent fund of the House, to the widow of Thomas H. Marston, late an employe of this House, a sum equal to his pay for three months and his proper funeral expenses.

Mr. MAYNARD. Will the gentleman explain this resolution?

Mr. RANDALL. This officer was the doorkeeper of the correspondents' gallery, and died while performing the duties of that office.

Mr. MAYNARD. When did he die?

Mr. RANDALL. I cannot give the exact date.

The SPEAKER. In the early part of this session.

Mr. MAYNARD. I think it is a very proper resolution.

The resolution was adopted.

SECURITY OF MAILS ON RAILROAD CARS.

Mr. RANDALL, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

*Resolved*, That the Committee on the Post-Office and Post-Roads be directed to inquire whether any additional security can be provided against the destruction of United States mails on railroad cars, and to report to this House by bill or otherwise.

PENSIONS TO SOLDIERS OF THE MEXICAN WAR.

Mr. NIBLACK, by unanimous consent, submitted the following; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed:

Enrolled joint resolution, No. 1.

*Be it resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed, and our Representatives in Congress be requested, to use all their influence to secure the passage of a law granting, without favor or discrimination, to those who served in the Mexican war for a period of sixty days or more, and were honorably discharged, the small sum of eight dollars per month during their natural lives.

DAVID TURPIE,

Speaker of the House of Representatives.

LEONIDAS SEXTON,

President of the Senate.

Received, approved, and signed January 25, 1875.

THOMAS A. HENDRICKS,

Governor.

STATE OF INDIANA,

Office of Secretary of State, ss:

I, John E. Neff, secretary of state of the State of Indiana, hereby certify that the foregoing is a full, true, and complete copy of enrolled joint resolution passed by the General Assembly of the State of Indiana, and now on file in the office of secretary of state of the said State of Indiana.

In witness whereof I have hereunto set my hand and affixed the seal of the State of Indiana at the city of Indianapolis this 26th day of January, anno Domini 1875.

[L. s.]

JOHN E. NEFF,

Secretary of State.

PERSONAL EXPLANATION.

Mr. SENER. I find in an unofficial report of the remarks which I had the honor to make in this House yesterday, as reported in the morning press, the statement that the attack made upon me in the National Republican, the organ of the party, was made by authority. What I did say I ask the Clerk to read from the report in the RECORD. It is there as it was reported and taken down.

Mr. MAYNARD. I do not think that is necessary.

The Clerk read as follows:

Now I deny that that attack in the National Republican stands as an executive threat over the head of any Representative of the people. That scurrilous attack was put there not by executive power, not by executive suggestion, not by the common sense or sound judgment of my peers on this floor on either side.

Mr. MAYNARD. I now give notice that I shall object to all such proceedings in future. I could have done it in this case, because there would have been no suspicion of unkindness. We will have nothing else to do if we admit such things as this.

SOUTHERN MARYLAND RAILROAD.

Mr. ARCHER, by unanimous consent, submitted the memorial of Samuel S. Smoot, president of the Southern Maryland Railroad; which was referred to the Committee on Railways and Canals, and ordered to be printed.

KATE LOUISA CUSHING.

Mr. ARCHER also, by unanimous consent, reported back from the Committee on Naval Affairs the memorial of Mrs. Kate Louisa Cushing, widow of Commodore W. B. Cushing, for a pension; and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Invalid Pensions.

The motion was agreed to.

PAY OF CONGRESSMEN DURING THE RECESS.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 4556) to amend the act to remove the restriction upon the right of Representatives-elect to receive their pay during the recess of Congress; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FALSE UTTERING OF CERTAIN INSTRUMENTS.

Mr. BUTLER, of Massachusetts, also, by unanimous consent, introduced a bill (H. R. No. 4557) to prevent and punish the false making and uttering of certain instruments; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

APPEALS TO THE SUPREME COURT.

Mr. McCRARY. I ask to have taken from the Speaker's table and referred to the Committee on the Judiciary Senate bill No. 1076, to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes.

Mr. POLAND. I ask that the bill be put upon its passage. It has already been considered by the Committee on the Judiciary, and they are unanimously in favor of it. I think nobody can object to it.

Mr. BUTLER, of Massachusetts. I will agree to that.

The bill was read, as follows:

*Be it enacted, &c.* That the circuit courts of the United States, in deciding causes of admiralty and maritime jurisdiction on the instance side of the court, shall find the facts and the conclusions of law upon which it renders its judgments or decrees, and shall state the facts and the conclusions of law upon which it renders its judgments or decrees, and shall state the facts and conclusions of law separately. And in finding the facts, as before provided, said court may, upon the consent of the parties who shall have appeared and put any matter of fact in issue, and subject to such general rules in the premises as shall be made and provided from time to time, impanel a jury of not less than five and not more than twelve persons, to whom shall be submitted the issues of fact in such cause, under the direction of the court, as in cases at common law. And the finding of such jury, unless set aside for lawful cause, shall be entered of record, and stand as the finding of the court, upon which judgment shall be entered according to law. The review of the judgments and decrees entered upon such findings by the Supreme Court, upon appeal, shall be limited to a determination of the questions of law arising upon the record, and to such rulings of the circuit court, excepted to at the time, as may be presented by a bill of exceptions, prepared as in actions at law.

Sec. 2. That said courts, when sitting in equity for the trial of patent causes, may impanel a jury of not less than five and not more than twelve persons, subject to such general rules in the premises as may from time to time be made by the Supreme Court, and submit to them such questions of fact arising in such cause as such circuit court shall deem expedient; and the verdict of such jury shall be treated and proceeded upon in the same manner and with the same effect as in the case of issues sent from chancery to a court of law and returned with such findings.

Sec. 3. That whenever, by the laws now in force, it is required that the matter in dispute shall exceed the sum or value of \$2,000, exclusive of costs, in order that the judgments and decrees of the circuit courts of the United States may be re-examined in the Supreme Court, such judgments and decrees hereafter rendered shall not be re-examined in the Supreme Court unless the matter in dispute shall exceed the sum or value of \$5,000 exclusive of costs.

Sec. 4. That this act shall take effect on the 1st day of May, 1875.

Mr. MAYNARD. Will the gentleman be kind enough to say whether this bill applies to any except cases of admiralty and maritime jurisdiction, and cases arising under patent laws?

Mr. BUTLER, of Massachusetts. It applies to no case of common law.

Mr. POLAND. The provision for juries is not in common-law cases.

Mr. MAYNARD. This does not apply to general equity practice?

Mr. POLAND. Not at all.

Mr. MAYNARD. It raises the jurisdiction of the Supreme Court of the United States from cases of \$2,000 to those of \$5,000.

Mr. POLAND. Yes, sir; where the jurisdiction depends merely on the amount. There are many questions that may come up irrespective of amount.

There being no objection, the bill was read three times, and passed.

PRACTICE IN THE SUPREME COURT, DISTRICT OF COLUMBIA.

Mr. ELDREDGE, by unanimous consent, introduced a bill (H. R. No. 4558) relating to practice in the supreme court of the District of Columbia; which was read a first and second time.

Mr. ELDREDGE. I ask that this bill be put on its passage now.

The bill was read. It authorizes the supreme court of the District of Columbia to make such rules as may be necessary to procure depositions of witnesses beyond the limits of the District of Columbia in any cause pending therein to be used in evidence on the trial of such causes in that court, whether such causes be at law or in equity.

Mr. BUTLER, of Massachusetts, and Mr. GARFIELD. There is no objection to that.



There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. ELDREDGE 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.

DE WITT C. CHIPMAN.

On motion of Mr. HAWLEY, of Illinois, by unanimous consent, the amendment of the Senate to the bill (H. R. No. 3177) for the relief of De Witt C. Chipman was taken from the Speaker's table and read, as follows:

Strike out \$8,006.17 and insert \$5,535.23.

The amendment was concurred in.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SURVEY OF GRAND RIVER, OHIO.

Mr. GARFIELD, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

*Resolved*, That the Secretary of War be directed to communicate to this House the report of Colonel Blunt upon the survey lately made of the old bed of Grand River, Ohio, with a view to a harbor of refuge at Fairport.

ROBERT ERWIN.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to have put upon its passage at this time the bill (H. R. No. 4471) to afford relief in the judicial courts to Robert Erwin.

The bill was read. It provides that the Court of Claims may take jurisdiction of the several claims of Robert Erwin for property taken from him and the proceeds paid into the Treasury of the United States, which claims were by accident or the design of his agent not filed in season to save the term of limitation, without fault or other neglect on Erwin's part.

Mr. BUTLER, of Massachusetts. This bill has been approved unanimously by the Committee on the Judiciary. The circumstances are these: Mr. Erwin intrusted to Mr. J. B. Stewart, his counsel, his papers to be filed in the Court of Claims; and Mr. Stewart informed him that they were filed. Erwin remained under that impression until Mr. Stewart left for Colorado. Then, when he came to look up the case, he found that the papers had not been filed. The Committee on the Judiciary considered the case one of great hardship. Mr. Erwin simply asks to be put back in the courts with the same rights of which by his misfortune he was deprived.

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMOVAL OF POLITICAL DISABILITIES.

Mr. ALBERT, by unanimous consent, introduced a bill (H. R. No. 4559) to relieve Thomas Boyd Edelin, of Prince George's County, Maryland, of all political disabilities; which was read a first and second time.

The SPEAKER. This bill is accompanied by a petition; and the gentleman from Maryland [Mr. ALBERT] asks unanimous consent that it be now passed.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

Mr. ALBERT 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.

Mr. HUNTON, by unanimous consent, introduced a bill (H. R. No. 4560) removing the political disabilities of Beverly Kennon, of Washington City, District of Columbia; which was read a first and second time.

Mr. HUNTON. I ask that this bill, which is duly accompanied by a petition, be now passed.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

Mr. HUNTON 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.

SENECA NATION OF NEW YORK INDIANS.

On motion of Mr. LAWSON, by unanimous consent, the amendments of the Senate to the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservation and to confirm existing leases were taken from the Speaker's table and referred to the Committee on Indian Affairs.

COMPENSATION OF NATIONAL-BANK EXAMINERS.

Mr. MAYNARD. Mr. Speaker, a House bill passed at this session regulating the fees of bank examiners has come back from the Senate redrafted. One difference between the House bill and the Senate substitute is that while the reference of the House bill is to the old statute, the reference of the Senate bill is to the Revised Statutes. Another difference is that while the House bill refers to examiners of all national banks, the Senate amendment is limited to those who are not in what are called the redemption cities, the compensation in these cities being left to be regulated by the Comptroller of the Currency. I ask that those amendments be taken from the Speaker's table and concurred in.

There being no objection, the amendments of the Senate to the bill (H. R. No. 3825) to amend the national-bank act and fixing the compensation of national-bank examiners were taken from the Speaker's table and read, as follows:

Strike out all after the enacting clause of the bill and insert the following: That section 5240 of the Revised Statutes of the United States be so amended that the latter clause of said section, after the word "Comptroller" in the eighth line of said section, be amended, so that the same shall read as follows, namely:

That all persons appointed to be examiners of national banks not located in the redemption cities specified in section 31 of the national-bank act, shall receive compensation for such examination as follows: For examining national banks having a capital less than \$100,000, \$20; those having a capital of \$100,000 and less than \$200,000, \$25; those having a capital of \$200,000 and less than \$300,000, \$30; those having a capital of \$300,000 and less than \$400,000, \$35; those having a capital of \$400,000 and less than \$500,000, \$40; those having a capital of \$500,000 and less than \$600,000, \$50; those having a capital of \$600,000 and over, \$75; which amount shall be assessed by the Comptroller of the Currency and paid by the respective associations so examined, and shall be in lieu of the compensation and mileage heretofore allowed for making said examinations; and persons appointed to make examinations of national banks in redemption cities shall receive such compensation as may be fixed by the Secretary of the Treasury upon the recommendation of the Comptroller of the Currency; and the same shall be assessed and paid in the manner hereinbefore provided.

Amend title so as to read, "An act to amend section 5240 of the Revised Statutes of the United States in relation to the compensation of national-bank examiners."

Mr. MERRIAM. This bill is a desirable one to pass except in one particular. I learned yesterday that in the Territories and on the Pacific coast it will be impossible to examine these banks under this law because the traveling expenses are so great. I will add, if the gentleman will accept it, a proviso that we shall exempt from the provisions of this bill banks in the Territories and on the Pacific coast.

Mr. MAYNARD. We cannot prepare such an amendment at this time, and I suggest therefore that we now non-concur and ask for a committee of conference.

The amendment of the Senate was non-concurred in.

Mr. MAYNARD. I move there be a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

INTERNATIONAL PENITENTIARY CONGRESS AT ROME.

Mr. WHITE, by unanimous consent, introduced a joint resolution (H. R. No. 148) authorizing the President to appoint a commission to attend the international penitentiary congress proposed to be held next year at Rome; which was read a first and second time and ordered to be engrossed and read the third time; and being engrossed, it was read the third time, and passed.

Mr. WHITE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FREE TRANSMISSION OF DOCUMENTS.

Mr. MILLS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

*Resolved*, That when the post-office appropriation bill is under consideration it shall be in order to offer an amendment to the same authorizing the sending of the Agricultural Reports and other public documents through the mails to the people free of charge.

Mr. MILLS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTINGENT FUND OF THE HOUSE.

Mr. GARFIELD. I ask unanimous consent to report from the Committee on Appropriations a bill (H. R. No. 4561) making an appropriation for the contingent fund of the House of Representatives which it is necessary to pass at this time. It is necessary to add \$20,000 to that contingent fund, as several unexpected drafts have been recently made upon it for expenses of committees sent South and elsewhere. As the fund is now short we need to appropriate out of the Treasury to make up the deficiency.

Mr. RANDALL. There is no objection.

There was no objection.

The bill was read a first and second time. It appropriates out of any money in the Treasury not otherwise appropriated \$20,000, to be added to the contingent fund of the House of Representatives.

Mr. GARFIELD. I ask the letter of the Clerk of the House be read in further explanation.

The Clerk read as follows:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES UNITED STATES,  
Washington, D. C., February 3, 1875.

SIR: I cannot execute the order of the House made last evening for the payment of \$9,000 from the contingent fund of the House to the Committee on Southern Affairs, of which Hon. GEORGE F. HOAR is chairman, unless the fund be replenished. It is now exhausted.

From what I already know of claims upon it, and what may be reasonably anticipated, I consider it necessary to ask the immediate passage of a bill to appropriate \$20,000 to the contingent fund of the House.

Very respectfully, yours, &c.,

EW D. McPHERSON,

Clerk House of Representatives United States.

Hon. J. A. GARFIELD,

Chairman Committee on Appropriations,

House of Representatives United States.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed. Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

#### READING OF TO-DAY'S JOURNAL.

Mr. GARFIELD. I ask unanimous consent, in order to facilitate the business of the House, that the reading of the Journal to-morrow shall be omitted.

The SPEAKER. It will be impossible, if the House shall adjourn before twelve o'clock and the session of the next legislative day shall then begin, to have the Journal ready for reading at that time, and unless some arrangement is made to omit its reading and thereby to save time, the gentleman in charge of the bill will not, as the Chair is advised, consent to any adjournment.

Mr. ELDREDGE. Will it not be time enough to consider that question when it arises?

The SPEAKER. It will rise in an embarrassing way. The Chair thinks the gentleman will perceive the precise point when the Chair states he is advised that the gentleman having the conduct of the civil-rights bill will not otherwise permit an adjournment.

Mr. RANDALL. Let us agree to anything which will produce harmony in the House.

Mr. ELDREDGE. The House may be interested in the Journal of yesterday.

Mr. GARFIELD. I hope the gentleman will withdraw his objection.

The SPEAKER. It will facilitate the transaction of the public business.

Mr. ELDREDGE. I withdraw my objection.

The SPEAKER. It is therefore agreed that the reading of to-day's Journal at the opening of to-morrow's session shall be omitted.

#### ALASKA.

Mr. HALE, of New York. I move by unanimous consent to rescind the motion passed by this House calling on the Treasury Department for the report upon Alaska. I have since learned that that report is being printed at the Treasury Department, and it is desirable it should not be sent here.

There was no objection, and the motion was agreed to.

#### FUR SEALS OF ALASKA.

Mr. RAINEY, by unanimous consent, introduced a bill (H. R. No. 4562) authorizing the appointment of a commission to proceed to the Territory of Alaska, after the adjournment of the present Congress, to inquire into the number of fur seals killed on the islands of Saint Paul and Saint George, and if an increased number could be killed without jeopardizing the perpetuity of the fisheries, and for other purposes; which was read a first and second time.

Mr. DAWES. The Committee on Ways and Means had the consideration of that subject last year, and I move it be referred to that committee.

Mr. CONGER. The Committee on Commerce have always had charge of that subject, and I think it should be referred to that committee.

Mr. DAWES. I do not object to its reference to the Committee on Commerce.

The bill was referred to the Committee on Commerce, and ordered to be printed.

#### CIVIL-RIGHTS BILL.

Mr. W. R. ROBERTS. I call for the regular order of business.

The SPEAKER. The regular order of business being called, the House resumes the consideration of the bill (H. R. No. 796) to protect all citizens in their civil and legal rights; and the gentleman from Wisconsin [Mr. ELDREDGE] is entitled to twenty minutes.

Mr. ELDREDGE. I yield for five minutes to the gentleman from Ohio, [Mr. SOUTHARD.]

Mr. SOUTHARD. Mr. Speaker, I intended yesterday to reply in a few words to the position of the gentleman from New York [Mr. HALE] in relation to the constitutional power to pass the present bill. Although somewhat out of the connection, it may not be amiss for me this morning to state my objections to his position.

The gentleman from New York stated that he opposed the adoption of the fourteenth amendment upon the ground that it changed the constitutional powers of legislation of Congress, and he added—

I voted against the fourteenth amendment on that ground alone, fully conceding the propriety of the provisions of the article, except the last section, claiming that that section was to a certain extent a revolution of our form of government in giving Congress a control of matters which had hitherto been confined exclusively to State control.

I dissent from the position of the gentleman as to the effect of this last section in enlarging the powers of Congress beyond the scope of the other provisions of the article. If the propriety of the other sections of the article be conceded, the propriety of this fifth section may also be conceded, for its only effect is to enforce whatever may be the terms of those other sections.

The fifth section of the fourteenth article of amendment to the Constitution simply provides that—

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The question then recurs, what is this fourteenth article of amendment? What are its provisions which are to be enforced by virtue of the fifth section? Whatever they may be, this fifth section gives power to Congress to enforce them by appropriate legislation; this and nothing more. The section cannot be said either by its express letter or fair interpretation to go beyond that scope.

What, then, is the other provision of the fourteenth amendment so far as relates to this question? I read:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

It will be seen that this provision relates only to the privileges and immunities of citizens of the United States, and not to the privileges and immunities of citizens of the States. This interpretation is given to this provision by the highest State courts and by the highest court of the Federal Government. The Supreme Court of the United States in the celebrated Slaughter-house cases has defined what this provision of the Constitution means. I read from the opinion of the court:

It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual.

We think these distinctions and its explicit recognition in this amendment of great weight in this argument, because the next paragraph of this same section, which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several States. The argument, however, in favor of plaintiffs rests wholly on the assumption that the citizenship is the same, and the privileges and immunities guaranteed by the clause are the same.

The language is, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." It is a little remarkable, if this clause was intended as a protection to the citizen of a State against the legislative power of his own State, that the words citizen of the State should be left out when it is so carefully used, and used in contradistinction to citizens of the United States, in the very sentence which preceded it. It is too clear for argument that the change in phraseology was adopted understandingly and with a purpose.

Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizen of the State, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment.

If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States, as such, and those belonging to the citizen of the State, as such, the latter must rest for their security and protection where they have heretofore rested, for they are not embraced by this paragraph of the amendment.

It is clear, then, by the terms of this provision of the amendment, and it is settled by the judicial interpretation of the highest court of the land, that it refers simply to citizenship of the United States and not to citizenship of the States.

Now, the further question for us to consider is whether this bill relates to the privileges and immunities of citizens of the United States or whether it relates to those of citizens of the States. It plainly refers to the latter. Keeping clearly in mind that citizenship of the United States is defined to mean one thing and citizenship of the States is defined to mean another and quite a different thing, the solution of the question becomes easy. The provisions of this bill I assert relate to those matters which have hitherto been left to the States alone, and which belong solely to their domestic polity. And when we admit that this fifth section provides that this fourteenth amendment may be enforced by appropriate legislation, we admit simply that it provides that no State shall abridge the privileges and immunities of citizens of the United States; and it leaves the domestic affairs of the States and their citizens where it found them under the original Constitution.

If I may be permitted, sir, to read a few sentences from the remarks I made last year on this question, I will do so for the purpose of showing what has been the universal practice of the State Legislatures in reference to the subjects embraced in the pending measure.

I said:

Hitherto the States have exercised the right to control their own local affairs. They have established public schools for the education of the youth, and prescribed the class of persons for admission to them upon the basis of age, sex, color, or intellectual acquirements. In many of the States separate schools for colored youth have long been established, with the like liberal opportunities for education that were afforded white youth. So too have the States been left free to incorporate companies for the purpose of carriage of freight and passengers, for purposes of public amusement and public worship, and of sepulture and the like, and to fix the mode and manner of the enjoyment of the privileges thus conferred; to regulate the fisheries in waters navigable or otherwise within their territorial limits, and to confer peculiar and special privileges upon their citizens in that behalf; to prescribe the mode and manner of exercising the right of the elective franchise, and of taking and holding property under laws of descent and distribution.



The rights claimed under the pending bill are precisely similar in character, and some of them identical in kind, with those just enumerated, and which have been exercised and controlled solely by the States since the foundation of the Government.

I conclude, therefore, by saying that the only effect of the fifth section of the article of amendment, even in its broadest latitude of interpretation, is to authorize the enforcement of the other sections of the article, and that the other sections relate to matters, to privileges and immunities, which are most clearly outside of and beyond the provisions of this so-called civil-rights bill.

Mr. ELDREDGE. I yield now three minutes to the gentleman from Connecticut, [Mr. KELLOGG.]

Mr. KELLOGG. Mr. Speaker, I do not desire to say anything upon this bill, except in regard to the amendment I have offered. I think too much time has been consumed already and this delay has been forced upon us by the action of the other side of the House last week. The amendment I have proposed is to strike out of the House bill reported by the Committee on the Judiciary all that part which relates to schools; and I do it, Mr. Speaker, in the interest of education, and especially in the interest of the education of the colored children of the Southern States. As the bill is now drawn, we recognize a distinction in color which we ought not to recognize by any legislation of the Congress of the United States. Sir, in the legislation of this country I recognize no distinction of color, race, or birth-place. All ought to be equal before the law; and the children of all should have an equal right to the best education they can have in the public schools of the country. But this bill proposes to make a distinction by a national law. The proviso to the first section is one that makes a discrimination as to classes of persons attending public schools; and I do not wish to make any such provision in an act of Congress.

But upon this school question we should be careful that we do not inflict upon the several States of the Union an injury that we ought to avoid. A school system in most of the Southern States has been established since the war of the rebellion, by which the colored children of the South have the advantages of an education that they never could have before that time. I believe, from all the information I can obtain, that you will destroy the schools in many of the Southern States if you insist upon this provision of the bill. You will destroy the work of the past ten years and leave them to the mercy of the unfriendly legislation of the States where the party opposed to this bill is in power. And besides, this matter of schools is one of the subjects that must be recognized and controlled by State legislation. The States establish schools, raise taxes for that purpose, and they are also aided by private benefactions; and they have a right to expend the money, so raised, in their own way. So far as agricultural schools are concerned which are endowed by Congress, it may be proper to make this provision. But, sir, when I see all that has been done for the education of the colored children of the South since the war, all that has been accomplished in that direction, I could not in good conscience vote for any measure which would destroy the whole of the good work that has already been accomplished, and destroy the system of schools already established in those States. I believe the colored people of the South as well as the colored people of the North, when they understand this question, will wish that no such provision shall be made in this or any other bill. The gentleman from South Carolina, [Mr. CAIN,] an illustrious example of what the education of his race can do, told us yesterday that they did not ask this provision from us. The question was put to him directly, whether they wanted their school system changed in South Carolina, and he thought they did not. The RECORD of yesterday states what he said, as follows:

Mr. GUNCKEL. Let me ask the gentleman from South Carolina whether the colored people of the South want mixed schools?

Mr. CAIN. So far as my experience is concerned I do not believe they do. In South Carolina, where we control the whole school system, we have not a mixed school except the State college. In localities where white are in the majority, they have two white trustees and one colored.

Mr. COBB, of Kansas. I desire to ask the gentleman what in his opinion will be the effect of the passage of the Senate civil-rights bill so far as regards the public-school system of the South.

Mr. CAIN. I believe that if the Congress of the United States will pass it and make it obligatory upon all the people to obey it and compel them to obey it, there will be no trouble at all.

Mr. KELLOGG. Would the gentleman prefer to retain the provision in regard to schools which I have moved to strike out in the House bill, or would he rather have that provision struck out according to my amendment.

Mr. CAIN. I agree to accept it.

Mr. KELLOGG. I offered it in the interest of your people as well as ours.

My friend from New York [Mr. ROBERTS] was entirely wrong in his idea yesterday when he said the effect of my amendment was that colored children should not have equal rights in the public schools of the States. Sir, does he not know that there are a few things left that State legislation can take care of and should take care of without interference by the legislation of the General Government? The States raise the taxes for the public schools; the General Government has nothing to do with it, and any interference by national law will be productive of mischief, and mischief only. I do not yield to him or any man on this floor in an earnest desire for the best educational facilities for all the children of this country, without regard to race, color, or nationality. But my friend had evidently failed to study the condition of the schools in the Southern States when he made that allusion to my amendment. He has been too much occupied

with the great questions of statesmanship, to which he seems to devote himself, to give much attention to the practical effect of such a provision as this upon the schools in the several States; and he has even gone beyond that and got into the great reform of revising and correcting the Gregorian year, and has gone back some centuries to do his work of reform. If he will come down to us out of the clouds of his high statesmanship and the ages of antiquity and see what the people of this country have been doing the last ten years for the education of the colored children since the end of the war, he will not have made the point he has made upon my amendment. If he will come down to the practical question, he will find that my amendment is for the benefit of the colored children of the South especially; and in the North we have no trouble on this score, for all children are welcomed to our public schools, without regard to race or color.

Sir, though I was not born in Connecticut, like my friend from New York who spoke yesterday, yet I have lived there for many years; and I will say to the gentleman from New York [Mr. CHITTENDEN] that there is not a church, a public school, or place of amusement where we do not welcome our colored population, our foreign-born population, and all our population, without regard to race, color, or condition. All are equal before the law, and all should be equal in the enjoyment of their rights. We believe that all men have the same privileges under the law, without distinction of race, color, or anything except as their own character or conduct in life shall make for them. But by the provisions of this bill you ask us to destroy the school system of the Southern States by an enactment which is not asked for by the colored people of the South and which they do not want, for they know it will be used to deprive them of the educational advantages that have been secured to them since their emancipation and since they became entitled to all the rights of citizens under the law of the land.

Mr. CHITTENDEN. I rise to a question of privilege. To my great regret I find myself reported in the RECORD of this morning as having said, "We will not permit all white men to come into our hotels, theaters, and churches." Sir, it is possible that in the excitement of an unpremeditated speech I added the word "churches." If I did, I wish to withdraw that word. It is contrary to every thought of my heart, to every practice of my life, and all the knowledge I have of public sentiment in the State of Connecticut, in which I was born, and in the State of New York, of which I have long been a citizen.

The SPEAKER. The Chair desires to state that corrections of the RECORD are not matters of privilege.

Mr. ELDREDGE. I now yield five minutes to the gentleman from Ohio, [Mr. MONROE.]

Mr. MONROE. Mr. Speaker, I am suffering so much from hoarseness that I do not know whether it will be in my power to make myself heard, and I would be obliged to the House if it would keep as much order as it can while I am speaking.

I intend to support the amendment of the gentleman from Connecticut, [Mr. KELLOGG.] My preference is for the Senate bill, and I shall give it my vote when it is reached; but as the House civil-rights bill may pass the House as amended by the Judiciary Committee, and as we are told this is the proper time to perfect that bill, I think it would be more acceptable to the House and to the country if we passed it in the form proposed by the gentleman from Connecticut than in its present form. Mr. Speaker, I understand that the object of the school provision in the amended bill of the committee was to make the bill more acceptable to members of different views. Now, this was a laudable object, and if the school provision in this form would aid in accomplishing that object, I cheerfully admit that that would be one argument in its favor. But, sir, from such information as I have—and I have a great deal of information on this subject from different sources as a member of the Committee on Education—the bill in this form will not suit anybody or any class of political views. There are gentlemen perhaps who approve of it, but I think that generally speaking the bill in this respect fails of its object, which is to harmonize the different sections of the Union. I have had information from influential colored gentlemen who are recognized as representative men of their people and from men in my own State, known as men of radical opinions, upon this subject, and I say that the bill as it now stands does not meet the views of these classes for the reason that it introduces formally into the statute law a discrimination between different classes of citizens in regard to their privileges as citizens. They regard it as a dangerous precedent; they are unwilling to incorporate it into the law. Gentlemen of this class write me, and I sympathize with their views, that if we once establish a discrimination of this kind we know not where it will end. It may be extended to all the different privileges of the citizen. Who knows what sort of discrimination will next be introduced into the statute law in reference to citizens of the country, in regard to the privileges they are to enjoy, if we begin with a discrimination of this kind?

The representative men of the colored race tell me that they would rather have their people take their chances under the Constitution and its amendments; that they would rather fall back upon the original principles of constitutional law and take refuge under their shadow than to begin with this poor attempt to confer upon them the privileges of education connected with this discrimination. And as regards gentlemen of a different class of political views, men who may be called conservative, I happen to know that those men are



not conciliated at all, at least many of them are not, by this form of bill. They are not united with the friends of the measure, because after all the concession made by establishing this discrimination, it contains a provision which is the very essence of all that they object to in legislation upon this subject. The bill itself seems to provide that in a certain class of cases mixed schools shall be established. Conservative men have just as much objection to the school provision of the bill of the Committee on the Judiciary as they have to the Senate bill. You have gained, therefore, very little support for the bill from this class.

Hence it seems to me that the attempt made by this bill to conciliate gentlemen of different political views by this compromise provision is a failure. It does not accomplish the object intended. It does not suit radical men because it contains this discrimination against citizens. It does not suit conservative men because it provides for mixed schools. Hence it does not seem to me to suit anybody very well. I go therefore for striking it all out of the bill. I believe it will not promote the cause of education in the country, for the reason that it will irritate all classes and please nobody.

Mr. MERRIAM. Does the gentleman from Ohio [Mr. MONROE] wish the country to understand that in his opinion it would be more satisfactory to the colored people of the South to have freedom of the theaters and of the cemeteries rather than freedom of schools?

Mr. MONROE. They think their chances for good schools will be better under the Constitution with the protection of the courts than under a bill containing such provisions as this.

Mr. ELDREDGE. I now yield the remainder of my time to the gentleman from Tennessee, [Mr. LEWIS.]

Mr. LEWIS. Mr. Speaker, I am in favor of this bill in a modified form, because I believe it is just and right, and is therefore of the highest expediency. The Government owes its protection to every citizen. Every man in this vast Republic has the right to claim everywhere and at all times the benefit of equal and impartial laws. Our theory of government knows no privileged class or race to be set above all others; it knows nothing of the barbarism of caste, nor of degrading and imbruting and outraging men because of their color or race, their birthplace or their ancestry. We must carry out our principles and make the immortal Declaration of Independence a living reality. Equality before the law—legal, not social equality—is the cardinal, inspiring principle of republican institutions. Unless we are prepared to give to the colored man the same protection and the same legal rights we give the white man, our professions as a nation of loving liberty and respecting justice are but miserable falsehoods, hypocritical and detestable. A great nation should be more anxious to protect the weak than the strong. It should treat all alike. It should permit no invidious and unjust distinctions.

The democratic party is opposed to all this; is bitterly hostile to it. It is the party of privilege, of monopoly, of caste, of proscription, and of hate. On its banner ever floats the God-defying sentiment "Keep the negro down." It to-day stands in fourteen States banded together and conspiring to prevent if possible the negro from voting, and if it cannot do that, to do what is far worse, keep his vote from being fairly counted. The emancipation of the colored man made that party frantic; his enfranchisement made it furious and almost hopelessly insane. It persistently seeks to rob the colored man of his manhood and of his political rights.

The republican party on the contrary is the friend and champion of equal rights. By its platforms, its principles, and its past history it stands forever committed to justice and equal rights for all. Its sublime mission is one of kindly and peaceful progress, of the moral and intellectual advancement not of a part only, but of all men. Although every principle and every idea contained in this bill is just and true now and forever, I would still prefer to have it in a form somewhat modified. While it is right that the colored man should have the same privileges in schools as the white; while nothing can be said against it on principle, still you must remember that legislation cannot always control public sentiment and at once mold and fashion and recreate great communities in their ideas, their thoughts, their habits, customs, and modes of life. The prejudices of the whites against allowing the blacks to attend their schools in many portions of our country are intense and honest, though perhaps greatly mistaken and wrong. It would not work well in the South; it would not work well in many parts of our country to put the blacks together with the whites in our schools at present. After a few years we have a right to hope that the world will advance; that the ideas of men in our country especially will advance enough to recognize the justice and the propriety of this measure. If the colored race shall advance and improve in the future as it has done since emancipation, the time is not so very remote in the on-coming centuries when there will be no thought of color, no one to oppose the claim of the colored man to equal rights and privileges with the whites in schools, colleges, churches, cemeteries, and everywhere. Call to mind the immense progress made in public thought and sentiment and law within the last fifteen years, and think how great must be the advance in the next twenty or thirty years.

But at present I think it wisest and best to strike for what every man on reflection knows to be just—to give the colored man those rights which the common law has always given him at the hands of common carriers and inn-keepers and others, to which he is certainly entitled. The objections made to the bill have not struck me as being

forceful or just. I have not been surprised to hear our friends on the democratic side of the House cry out that the civil-rights bill is unconstitutional.

There has never been any great public measure of advancement and improvement for the general good proposed in this country which was not denounced by the democratic party as unconstitutional. The proposition to protect American manufactures and make our country independent of other nations—self-supporting and self-producing—is always denounced by the democracy as unconstitutional. In like manner the idea of internal improvements, fostered, aided, and encouraged by the General Government, is always denounced by them. They even fought against the idea of connecting the Atlantic and Pacific slopes of our continent by railroads or otherwise. To unite and bind together by great ties of interest and easy and rapid intercourse sections of our common country vastly distant from each other and separated by great mountain ranges and immense plains, though absolutely necessary for the common defense and general welfare and integrity of the nation, was unconstitutional in their eyes. If the democratic party had had its way the East and the golden shores of California and Oregon would still have remained so far apart that communication would yet be carried on around Cape Horn. So when it was proposed in other days to limit slavery—to keep it out of the free Territories, making freedom national and slavery sectional—they cried out that that was unconstitutional. Emancipation was death to the Constitution. The war to save the Union was unconstitutional in their eyes. To enfranchise the colored man and make him a citizen was to democratic vision a flagrant violation of the Constitution. The fact is that nothing has ever been proposed for the advancement and ennoblement of this country but they protested against it and professed to find it barred by the Constitution. When the resurrection morning shall come they will in all probability cry out to Gabriel, "Hold! don't wake up the dead; that is unconstitutional and against the resolutions of 1793." This is the spirit of that party. If a democrat shall be left alive at that day, which is not likely, such will be his cry.

The colored people deserve this measure. No people for the space of time during which they have been emancipated ever made the progress, the advancement, the improvement, and the elevation which that people have attained. Consider how low they were, how debased after centuries of slavery, when Abraham Lincoln's proclamation called them to freedom from the depths of their debasement, as our Saviour cried to Lazarus, waking him from the grave. From that day to this, year by year, that race has shown an earnest and passionate desire for education and self-improvement. It has been kindly, docile, teachable, ever advancing, ever striving to rise in the scale of humanity. The colored people deserve the kind regard and sympathy and respect of all thoughtful good men and women; of all who have heart and mind to appreciate their wrongs and their sorrows, their weary, hopeless toil and ceaseless strivings upward from the depths of slavery to a higher and better life. Grant that often they seem to fail somewhat for a time. Such at least is the fate of humanity everywhere and in all recorded time. They have been, according to their lights and meager opportunities, among the best citizens where they live, and they deserve this recognition of their common rights of manhood and womanhood. Who does not remember how they stood during the war faithful among the faithless; honest, simple minded, and true, where so many were false and treacherous and cruel.

Mr. Speaker, I noticed yesterday that when the gentleman from Mississippi [Mr. LAMAR] asked my friend from New York [Mr. HALE] in regard to the laws of Mississippi, and the gentleman from New York asked him a question in reply, the gentleman from Mississippi said he did not know an instance where the colored man in Mississippi was denied his rights—his rights to ride in railroad cars and on steamboats; his rights in the inns, &c.; that the colored man in Mississippi had his rights equally with the white man. Yes, thank God, he has; but the gentleman from Mississippi forgot to tell the reason why. It is because the republican Legislature of that State some years ago passed a most stringent and efficient civil-rights law. Previous to that the colored man was proscribed even on the railroad car and the steamboat. Previous to that he had to go into filthy cars and submit to indignities and wrongs. Previous to that he did not receive the rights of manhood on the public conveyances of that State. But a republican Legislature passed the law giving him equal rights; a republican governor enforced the law; republican courts in that State have nobly done their duty and maintained it; and now a colored man in that State rides in the railroad cars respectfully, peaceably, and quietly; and even the democrats who hate him say not a word, because the law protects him. That is an encouragement to the enactment by national authority of a measure like this civil-rights bill. It shows that its results will be beneficent; that great and unmixed good will follow its enactment. Let us be wise and manly, and pass it promptly. Our duty is plain and unmistakable. Conscience and honor and justice demand it at our hands. It has been too long delayed. There must be no faltering now.

Let me state further, for the information possibly of those who have not noticed the fact, that although the State of Mississippi by that law gave to every child in the State the right to attend any school in the State—although every boy properly qualified has a right to go to either of the State colleges—yet there have been no mixed



schools in consequence, because the people of their own choice, without the control of legislation, simply as a matter of taste, have maintained separate schools. No colored boy has applied for leave to enter a white school; no white boy, to enter a colored school; no colored youth has asked to go to the State university at Oxford, nor white youth to go to the college called Alcorn University. The law works beautifully there. Such a law will work beautifully everywhere, if we only have the courage and manhood to make the law what it should be. Let us do our duty and pass this bill.

Mr. CESSNA obtained the floor, and yielded fifteen minutes to Mr. BURROWS.

Mr. BURROWS Mr. Speaker, it is not my purpose, nor will the time permit me, to enter upon an extended discussion of the several provisions of this bill, but in what I may say I shall be content to confine myself chiefly to that portion of the bill which has been the subject of so much discussion and severe criticism in this House and elsewhere, namely, the provision relating to public schools.

Before, however, directing your attention to the main subject of my remarks, I may be permitted to premise that whatever the late contest in this House—unprecedented almost in parliamentary history—may have failed to establish, one thing it has demonstrated beyond all controversy, and that is, that the struggle for the equal rights of all American citizens before the law is not yet ended. That although the time has gone by when the highest judicial tribunal of this country can startle the world with the solemn adjudication that "a black man has no rights which a white man is bound to respect," yet it is manifestly apparent that the hour has not yet passed when five millions of black people, citizens of the Republic, standing equal under your Constitution, are to be made the objects of a merciless persecution and continued insult at the hands of a great and seemingly triumphant party. Persecution, not by a foreign foe; insult, not at the hands of a hostile nation; but persecution and insult by American citizens, on American soil, beneath the American flag. The contest for equal rights has been transferred from the battle-field to the less sanguinary but not less perilous arena of American politics. An appeal has been taken from the stern arbitrament of the sword to the passion and prejudice of men; and what shall be the final issue before that tribunal God only knows.

I had hoped, and the country had reason to believe, that the great democratic party had abandoned their unholy crusade against this much-abused race, when in 1872 in national convention they solemnly declared it to be one of their cardinal principles—

We recognize the equality of all men before the law, and hold that it is the duty of the Government in its dealings with the people to mete out equal and exact justice to all, of every nativity, race, color, or persuasion, religious or political.

Yet, sir, scarcely two years have passed since the promulgation of that sublime declaration ere we find the representatives of that same party standing in this Hall and as one man protesting against any legislation which will secure equal rights to the black man, or protect him in the enjoyment of equal privileges on public conveyances, in the public inn, in the common school, in places of public amusement, or even in the cemetery of the undistinguished dead. And such now is the detestation of their own creed that they rise up here in the presence of the nation and protest against its even being read.

Mr. Speaker, may I be permitted to say to my friends on the other side of the Chamber that in my humble judgment you have made a fatal mistake and thrown away the golden opportunity of regaining the scepter of power. In the face of that declaration; in the face of your nomination of Mr. Greeley for the Presidency in 1872, the unquestioned friend of the black man, you could have committed no more serious blunder than, in the first flush of victory, to have so suddenly changed front and removed the masks before you were firmly seated in power. Now look to it well.

But, sir, to the bill. The measure under consideration prohibits, among other things, the proprietor of any public conveyance, the keeper of any public inn, and the manager of places of amusement, from excluding any citizen therefrom by reason of his race, color, or previous condition of servitude. It does not prevent the proprietors of these institutions from excluding a black man for the same reason that a white man could be excluded. You may exclude him if he is obnoxious. You may exclude him for any reason equally applicable to every other citizen; but it does say that if a black man, in other particulars unobjectionable, purchases a first-class ticket and seeks admission to a railway car, the conductor shall not say to him, "Stand back, sir; you cannot be admitted; you belong to another race." It says to the innkeeper, when a black man stands at his door and asks for shelter, food, and the comforts of his inn, you shall not shut the door in his face and say, "You cannot be admitted." "Why, sir? I have wealth; I will be orderly; I am famishing; I am thirsty; I am perishing; give me food and shelter." "No, sir, stand back; you were once a slave." It prohibits the proprietors of places of amusement from saying to the black man, "You cannot participate in the enjoyments of this place, because you are black." Now, sir, while the republican party stands pledged by every consideration of honor to give these provisions of the bill their unwavering support, and while these rights are conferred both by the common law and the plainest provisions of our Constitution, yet, sir, here stands the democratic party, with the declaration of the equality of all men fresh upon their lips, protesting against securing to five millions of black citizens the simplest rights pertaining to American citizenship. This great party

says to the black man, "You shall not ride in any public conveyance, because you are black." It says to the black man who asks shelter and food at the public inn, "Sleep under the canopy of heaven and eat from the public sewer, but you cannot have shelter or food at an open hotel." It says to the man who has control of places of amusement, "You need not admit black men and women to these entertainments, but let them seek their own amusement among their own race." It says to the black man that "The cemetery, for the support and beautifying of which you have freely contributed, shall not be opened to receive the ashes of your dead kindred, but you shall bury them by the road-side or in the dismal swamp, but you shall not let their unholy remains rest within the inclosure where white men sleep."

Sir, without further comment, so far as these provisions of the bill are concerned, I believe these enactments are dictated by the highest considerations of public policy and the simplest demands of individual justice.

Passing now from the consideration of this portion of the bill, permit me to call the attention of the House to its chief feature, and to the consideration of which I desire to direct the main course of my remarks. While the bill provides equal privileges for the black man in the car, at the theater, and in the public inn, when the school clause is reached a proviso is attached which authorizes the establishment of separate schools for the black race.

Here for the first time is the daring attempt to be made to enter upon a system of legislation which proposes to make a distinction between American citizens, and separate a people by class legislation which, under the Constitution, are united and equal. Whatever may be the action of others, I shall never give my vote or voice to the support of any such pernicious doctrine.

Mr. Speaker, if there is any one provision of this bill more important than another, it is that which relates to the school system of the country. Shall the common schools of the country be accessible and open to all, of whatever race or condition, or shall they be for the few and the favored? This is the practical and only question. It needs but a glance at the wants of the people, and particularly of the black race, in this direction, to demonstrate that there should be no obstacle thrown in the way of the freest and best schools. While the census of 1870 discloses the fact that there are 6,144,740 white pupils in the schools of this country, or about one-fifth of the entire white population, only 180,372 blacks, or one in twenty-seven, have any school facilities whatever.

From the same source of information we draw the startling fact that while there are but 2,851,911 whites above the age of ten years, less than one-twelfth of the white population, who cannot write the English language, there are 2,789,689 blacks, or more than one-half of the entire population of the black race, who cannot write a single word of any tongue on earth. And yet, sir, in the presence of this appalling ignorance, we stand here to-day debating the question whether we shall guarantee free schools to a free people. Sir, if you would have good citizens, if you would have peace and prosperity, if you would make the foundations of the Republic secure, give to the present and to the generations that are to come after us the opportunity of acquiring that intelligence without which no people can long hope to be either great or free.

But it has been said that the black people do not desire the enactment of this provision relating to common schools. Sir, among the numerous petitions that have been presented to this body praying for the establishment of free schools, I hold in my hand a copy of one signed by ten thousand black citizens of this Republic. Permit me to read it, and be this my answer:

We ask it—

Meaning the passage of the civil-rights bill—

we ask it at your hands because we are citizens of this free Republic, a part of the body-politic, and are deprived of rights and respect which are justly due us. We cannot travel upon the railroads, steamboats, and stages without being subjected to inconvenience, proscription, and insult, and when we apply for accommodations at a public inn are refused. But we meet the greatest barrier when we present our children at the public schools and are rejected. All this and more we are compelled to endure because we are colored. We pray you to remove these hindrances, so that we may enjoy the common rights to which we are entitled as citizens, as taxpayers, and members of the human family. It is no special legislation in our behalf that we ask for, but we ask you to remove whatever legislation there is against us.

Now, while there is a conflict of opinion upon the floor of this House and in the country touching this question of schools; while some are in favor of no provision whatever for the education of the colored race, and others are advocating separate schools, and yet others are favoring mixed or free schools, for my single self I have no hesitancy in declaring in favor of that provision, and that provision only, which gives absolutely free schools for every child of the Republic of whatever race or nationality. For one, I protest here and now against entering upon that course of legislation which draws a line of demarcation between American citizens who by your laws and your Constitution stand in absolute equality on a common soil beneath a common flag. You cannot submit to it without doing violence to the spirit of your institutions, trampling upon your Constitution, and inaugurating a course of legislation whose legitimate end is the subjugation of the weak of every class and race. I shall therefore give my warmest adherence to the doctrine of free schools, convinced of its justice and confident of its ultimate triumph.

Mr. Speaker, I now desire to call the attention of the House to



that proviso of the bill which allows the establishment of separate schools where the local authorities shall so determine. In no event can I give this proviso my support. To permit such a system and say it shall be a compliance with the provisions of this act is to establish by Federal law separate schools in the majority of the States of this Union. Besides being open to the criticisms which I have already urged against class legislation which no man can justify, it is subject, it seems to me, to other objections of the gravest character. In the first place, it must be admitted that there can be no permanent peace in the country so long as there exists a determined prejudice and hostility between two great classes of American citizens. To allay this irritation and bring each to the acknowledgment and respect of the rights of the other is the first and highest duty of this hour. Yet what do you propose by this bill? While there was no prejudice existing between the white and black children when the blacks were slaves; while they fed at the same breast and played together on the same lawn, you now propose by this bill to commence at the very foundation of society with the rising generation in your common schools, and implant in the breast of both races a mutual abhorrence and detestation. And what must be the inevitable fruits of such legislation. At the end of a generation you will have produced a hostility between these races tenfold more bitter than it is to-day, ending in a war of races and a sea of blood.

But again, I object to this provision of the bill, because it will work a manifest injustice to both races. Wherever you establish separate schools in any district it will necessarily do one of two things: It will either double the expense of maintaining the schools or it will diminish the school facilities by lessening the term. Suppose, to illustrate, you have a school district where \$200 of public money are expended for school purposes and you have fifty children in the district of school age, twenty-five black and twenty-five white; and suppose you can employ a teacher at twenty-five dollars per month. Now, by maintaining but one school you could have, with a public fund of \$200, a school term for eight months in the year. But divide this fund, employ two teachers, build two school-houses for the two races, place the whites in one and the blacks in the other, and you will reduce your school term to four months in the year. Such a policy is an injury alike to the black and the white race. And this wrong is to be inflicted, not with the consent or at the request of those whom it most concerns, but at the behest of men whose better judgment can but condemn it and upon whom rests the responsibility of shaping the destiny of the Republic, but whose prejudice is stronger than principle.

Again, sir, this provision for the establishment of separate schools is open to another and if possible more serious objection. If it should become a law, its pernicious influence would be felt in every State and Territory and reopen a contest, in many parts of the country, which has been happily settled. By enacting this provision you would take a step directly backward, and undo in many of the States the work of half a century. If we have not the courage to go forward, in the name of Heaven let us be resolute enough to stand still and maintain what has already been achieved until braver and truer men shall take our places.

Why, sir, this is not a new question, nor has the agitation of it been confined to any particular portion of the country. There is not a State in the Union where the black man has not been forced to fight his way into the common school against the prejudice and passions of the white race. And while that contest is still being waged in many of the Northern States, and the result yet doubtful, nevertheless in some of these States the battle has been fought and won, and to-day separate schools are absolutely prohibited by law. Now, if this measure shall become a law, you revive the prejudice in those States where the question has been forever settled, turn the wheels of progress backward half a century, and make it possible for bad men to undo the work which has been so fully consummated. Look at the State of Connecticut. Her "black code" has been expunged, and the law of 1872 provides that "no child shall be excluded from the public schools, on account of race or color." Pass this measure and the work in Connecticut will be undone. Look at Illinois. Prior to 1870 the general school law proscribed negroes, although some municipalities provided for their education; but the law of 1874, passed but a year ago, prohibits all school officers from excluding either directly or indirectly, any child from the public schools on account of color. Would you undo the work in Illinois? Look at Iowa. The supreme court of the State decided in 1868 that under the State constitution—

Boards of school directors have no discretionary power to require colored children to attend a separate school. They may exercise a uniform discretion, operative upon all, as to the residence, qualifications, freedom from contagious disease, or the like, of children, to entitle them to admission to each particular school; but they cannot deny a youth admission to any particular school because of his color, nationality, religion, clothing, or the like.

In harmony with this decision the law of 1872 declares that—

All the youths of the State from five to twenty-one years of age, irrespective of religion, race, or nationality, are entitled to equal school facilities.

Is the victory of Iowa to be overturned?

[Here the hammer fell.]

Mr. BURROWS. Will the gentleman from Pennsylvania allow me a moment longer?

Mr. CESSNA. I will yield the gentleman a few minutes more.

Mr. BURROWS. So it is in Massachusetts. While in 1849 the su-

preme court of Massachusetts decided "the general school committee of Boston have power under the constitution and laws of this Commonwealth to make provision for the instruction of colored children in separate schools established exclusively for them, and to prohibit their attendance in the other schools," yet in 1854 the Legislature abolished caste schools, and by subsequent legislation enacted that "no person shall be excluded from a public school on account of race, color, or religious opinions." Will you now permit this caste system to be revived in Massachusetts under the sanction of Federal law? Minnesota, too, by the law of 1873, imposes a fine of fifty dollars upon any school board which shall exclude any child from the public school "on account of color, social position, or nationality." So has the State which I have the honor in part to represent declared, through its supreme judicial tribunal, after a protracted contest, that "black children have a right to admission into the public schools on equal terms with all others;" and its Legislature by solemn enactment has provided that "No separate school or department shall be kept for any person on account of race or color." Shall she be robbed of the glory of her achievements? Sir, I should be recreant to her best interests and false to duty did I not protest against any measure which would detract one iota from the merit of her school system, in which her people take such a just and honorable pride.

Other States might be mentioned where the prejudice against the admission of colored children into the common school has been completely overcome and their right acknowledged and securely established.

But, sir, not only would this proviso allowing separate schools undo the work already accomplished in those States where mixed schools are established by law, but in all those States where the contest is yet being carried on for free schools the work would be at once abandoned. When Federal law shall permit separate schools it would be idle for States or individuals to continue the struggle for equal advantages for every race.

But the hour admonishes me I must hasten on; I will not abuse your patience.

For the reasons I have urged and many others which might be mentioned I shall not under any consideration give my support to the separate school doctrine. Not only is it pernicious in itself, but it is the beginning of that class legislation which, if once entered upon, will know no end until it has brought to the weaker class of every race subjection and to the country only disaster and ruin. If you cannot legislate free schools, I prefer that the bill should be altogether silent upon the question until other times and other men can do the subject justice.

Pardon me a word in relation to the real cause of opposition to this bill, particularly in that portion of the country more thickly populated by the black race. I fear our southern brethren object not half so much to mixed schools as they do to any schools whatever for their former slaves.

Whatever may be said about this opposition springing from prejudice, arising from color, race, or previous condition, I am forced to the conviction that the real secret of hostility lies in the fact that these black people have become citizens and propose to take part in the administration of public affairs. It is because they have become an element in politics and may possibly contest with the white race of the South the right to rule. The South to-day is struggling by every means in its power, aided by the democratic party of the North, its ally in war and peace, to regain its lost authority in the State and nation, and to rebuild its shattered political fortunes. Unwisely she seems to have determined that the only means by which this purpose can be accomplished is by trampling upon the rights and liberties of the black race and denying to them the equal protection of the laws. Instead of extending to them the right hand of fellowship and recognizing them as a necessary and important element in the future of the South which might be used for her highest advancement, there seems to be a fixed belief that the surest and quickest road to power is over the rights of this race. Hence I am not surprised at this opposition to free schools in the South. As ignorance was the chief rivet, the main link in the chains of their thralldom, so the continuation of that ignorance is the shameful, cowardly weapon with which they hope to make their way back to power, while at the same time it shall serve to fasten upon their former slaves, by a system of vagrant laws, a condition of serfdom scarcely less terrible than that from which they have so lately escaped. Full well is it known that if you should give to the black man an equal chance in the race of life, you could no more re-enslave him or trample upon his liberties than you could have held him in bondage except by making it a penal offense for him to read the word of God.

This, sir, is the secret of this opposition—this the policy of the democratic party. Say not, then, this opposition arises from race, for they are of no other race to-day than when as slaves you received them into almost every relation of life. Nor is it his color. Indeed this nation is estopped, in view of recent events, from ever expressing any prejudice against a man on account of the color of his skin. A black king visits our shores. The golden gates of the West swing wide open to give him royal entrance. The loud-mouthed cannon proclaims his coming. Municipal authorities hastened to greet him on his journey across a continent and tendered to him the hospitalities of their cities. State authorities rise up to do him homage. The Executive head of the nation admits him to the presidential mansion, where the beauty



and fashion of the capital city crowd for the honor of his hand. Grave Senators leave their seats and with the members of this House stand in solemn reverence, while you, sir, descend from your high place to extend in behalf of a free people a nation's welcome to his *black majesty*. Will it be said he was a king? Be this my answer, that there is not a black man, however humble, though a lazzaroni, as the gentleman from New York has been pleased to call him, if clothed with citizenship, that does not wear a crown of royalty that makes him the peer of any sovereign on earth.

I have heard it suggested that some possible commercial advantage to our nation prompted the courtesy. Possibly we were crooking

"The pregnant hinges of the knee,  
Where thrift may follow fawning."

Sir, a word in conclusion and I have done. I had hoped that this persecution against the black race was at an end. Is it not enough, let me say to you on the other side of the Chamber—is it not enough that you have held him in slavery from generation to generation? Is it not enough that you tracked him with blood-hounds in his flight for freedom and dragged him back to his thralldom? Is it not enough that you dabbled in blood the garments of our virgin territory in the inhuman effort to drag her to the altar of slavery, where the unholy prostitution might be consummated? Is it not enough that you deluged the Republic in blood and ridged it with graves in the monstrous purpose to tear down the fair fabric of free government and erect upon its ruins another, whose corner-stone should be American slavery? Is it not enough that you never gave a voice for the emancipation of this race? Is it not enough that you resisted the amendment to the Constitution which abolished slavery throughout the Republic and made his serfdom impossible? Is it not enough that you sought to deny him the right of citizenship and the power of the ballot? Is it not enough that in the sublime battle of the last fifteen years you never struck a blow or raised a voice in the championship of human liberty? I implore you to pause in your mad career, and at least gather and help to preserve the fruits of the victory. But that you will do this I have but little hope.

Sir, it is apparent if this bill passes at all it must be through the instrumentality of the republican party, without vote or voice from the opposition. With us is the issue, upon us is the responsibility. For one I freely accept it. And, sir, can it be possible that we have grown so weak and vacillating that we shall hesitate or waver in this hour of threatened peril? Shall it be said that this grand party, which with determined courage beat back the propagandists of the slave power in their encroachments upon our territory, unfurled the banner of liberty and equality, and achieved the victory of 1860; hewed with gleaming swords the fetters from four millions of bondsmen; wiped from the Constitution the last recognition of the rights of man to hold property in man; and placed all upon an equality before the law—shall it now be said that this party falters and fails before a proposition to protect the black man in the simplest yet most sacred rights of American citizenship? I cannot, I will not believe it. For myself, I never will be guilty of such shameless treachery, nor lower the standard of their defense one inch from its lofty bearing. By their unswerving loyalty in the midst of treason; by their patient endurance in camp and on the march; by their fidelity, which knew no treachery; by their heroism in battle, which made them insensible to danger; by their devotion to the Republic in the hour of its supremest peril, and in the name of the Constitution of my country, upon which they stand secure, I demand for them equal civil rights and equal protection wherever the shadow of our banner falls.

[Here the hammer fell.]

Mr. CESSNA. I now yield five minutes to the gentleman from Alabama, [Mr. RAPIER.]

Mr. RAPIER. I have sought the floor to-day for one purpose only. I had hoped that there would be no further discussion upon this bill, and I would not have spoken now but for the fact that I think my colleague from Alabama [Mr. WHITE] has not properly represented the sentiments of the people of my State. I ask the Clerk to read just what my colleague did say.

The Clerk read as follows:

He was a southern man, born and raised on southern soil, and desired to secure the highest advantages that could be attained, and peace and harmony secured. It was urged, he said, that there was a prejudice on the part of the white man against the colored man. He would say to the gentlemen they were as much prejudiced against the whites in behalf of the blacks. It was not prejudice; it was pride of race and pride of country. The substitute he offered did not come from him. It came from higher authority—the colored people of Alabama.

Mr. RAPIER. That I deny, Mr. Speaker. The last time the colored people in Alabama were heard from upon this subject they expressed their opinions in a platform one clause of which I ask the Clerk to read.

The Clerk read as follows:

As citizens of the United States and of the State of Alabama, we claim all the civil and political rights, privileges, and immunities secured to every citizen by the Constitution of the United States and of the State of Alabama; and we will be satisfied with nothing less.

Mr. RAPIER. That class of people commissioned me to speak for them upon this subject in this House. If any man in the State of Alabama is acquainted with the colored people, I hold that I am the man. And when my colleague [Mr. WHITE] says that the "colored people

of Alabama" instructed him to offer such a bill as that, I have only to say that he has placed them in a very false position.

The platform which he had read from the Clerk's desk yesterday, and which he said was the platform of the republican party in the State of Alabama, was never framed or adopted by them. They never read that platform and never saw it until it was read in the republican convention of the State of Alabama, and there were not more than eighteen colored men in the convention at the time when that platform was adopted. The reason why the colored men there did not oppose that platform was that the republicans in the northern part of Alabama said that unless such a platform was put forth they were afraid they could not secure the white vote of that portion of the State. Therefore we allowed them to have their platform; and that platform was sent forth to the people of Alabama, and they repudiated it. I am unqualifiedly opposed to the White substitute, but favor the Senate bill as it stands.

I have no compromise to offer on this subject; I shall not willingly accept any. After all, this question resolves itself into this: either I am a man or I am not a man. If I am a man, I am entitled to all the right and privileges and immunities that any other American citizen is entitled to. If I am not a man, then I have no right to vote, I have no right to be here upon this floor; or if I am tolerated here, it is in violation of the Constitution of our country. If the negro is not a man, and has no right to vote, then there are many occupying seats here in violation of law.

Sir, if any man is entitled to the protection of the laws of his country, I hold that the colored man is that man. When he had no particular reason for liking this Government; when your Government was threatened with destruction, when those who had always been fostered and cared for by the Government hesitated as to what they should do, when this great Republic was in the act of going down, then it was that the negro came forward, made bare his breast and in it received the thrusts of the bayonets aimed at the life of the nation. And now you hesitate to say whether I shall be regarded as a man or not in this country, being a representative of that race.

[Here the hammer fell.]

Mr. RAPIER. In the name of my constituents I demand the passage of the Senate bill.

Mr. CESSNA. I now yield to the gentleman from New Jersey [Mr. PHELPS] for fifteen minutes.

Mr. PHELPS. I am not in the habit of making mountains out of mole-hills, nor of looking at any subject exclusively on the dark side. And yet it is impossible for me to divest myself of the feeling that this is really a solemn occasion, or that the actors here are assuming a responsibility from which they might well shrink. Among the actors in this drama, none deservedly will hold a more conspicuous position than the honorable gentleman in whose charge this bill now rests. Yet not of him exclusively will the people of this Union think to-day. But with him they will bear in mind the memory of another son of Massachusetts who is no longer with us. Nearly one year ago he died, and when he died the heart of this great people stood still for a moment under the crushing weight of its grief. It was that son of Massachusetts who created and led the republican party through the wilderness and into the land of promise; and yet then and there cruelly was he deposed and driven from the ranks by men whom he had called into them, by the lieutenants into whose hands he himself had put their commissions.

I believe that Charles Sumner died, and I believe that history will record that he died as a good man should die, free from animosity, free from revenge. But had it been otherwise, had he died full of animosity, had that great heart been steeped as was Satan's with an "unconquerable will and study of revenge," he could not have left to this country which he so loved, to the party which he created and led, a legacy so full of the seeds of disintegration and decay as the measure which the majority will this day pass.

And yet in order to pass this bill we have altered the rules of procedure under which for fifty years this House has transacted its business. We have altered the rules under which the minority has during this period enjoyed peace and security. More than this, to pass this bill we defy the opinion of the people of these United States recently and emphatically declared; for if there was any one issue on which we went to the country it was this. Said my friends on the other side, members of the democratic party all of them, "We will oppose this measure of civil rights." Said nearly all my friends on this side, members of the republican party, "We will give you civil rights." And upon this issue the two great parties went to judgment. And the people last fall declared their judgment, and with a thunder that shook one hundred members out of these seats.

When this bill was introduced one year ago, that Representative who believed it his duty to please his constituency, whether they were right or whether they were wrong, might have found a pretext for voting for it; but now this pretext is torn to shreds by the gales which swept the country in November.

Equally flimsy is the pretext that this is a different measure. It makes no difference how you amend, how you alter, how you reform; you can reform it only if you "reform it altogether." Pass the Senate bill, and you pass an unmitigated evil. Pass the House bill, and you pass a mitigated evil. But in either and all cases it is evil and evil altogether. Of course I cannot traverse the whole of this dark record. I would that my time would let me do so; to go through the vari-



ous provisions that I might indicate the especial objection to each. But my hands are tied. Take a single provision. Enact your school clause, and what do you do? You close your schools! Look at the South, desolated and distracted; deluged with a flood of misery. There is but one spot on which the dove of peace might rest. There is a school system, young and tender and full of promise, full of hope. Enact this clause, and you destroy its budding promise; enact this clause, and you shut the door of every public school. Let one more autumn come, and there will not be a State in the South whose Legislature shall vote one single dollar for their creation and support. This is one thing you will have accomplished by your civil-rights bill; and what have you gained? To give to our colored fellow-citizen a mere sentimental privilege—that the colored man when he dies may lie in Hollywood; that while he lives he may eat at the Saint Nicholas; that when he plays he may sit in a box at the National. To give him these sentimental advantages, which he will never use, you have slain his teachers, you have sacrificed substance to shadow. You have tickled his fancy and starved his mind.

Nor can you repair the damage. You have striven to control what you cannot construct. You have sought to regulate the schools; and the Southern States will checkmate you by giving you no schools to regulate.

Mr. Speaker, while the Federal power may accomplish some things, there are others which it can never accomplish. It may take its bayonets into the halls of these Legislatures and by them may drive out the members, but it can never, with or without bayonets, force them to vote. The white men will provide for the education of their own children at their own expense—they still have the means; but they will make no appropriation for the mixed schools, the freedman's only chance for education. The colored man has no means to pay for his own school-teacher, and he can thank the republican party that he is again relegated to a state of primal ignorance and gloom.

Take again your provision for inns. Enact this, and you build upon a foundation which once existed, but which for years has been torn away. Governments used to give especial privileges and monopolies to the inn-keeper, and then the government in proper reciprocity had a right to impose obligations and duties.

Mr. McKEE. May I ask the gentleman a question?

Mr. PHELPS. I would be glad to be interrogated at any length, especially by the gentleman from Mississippi, if I had the time; but I am crowding what I can into fifteen minutes, and must decline.

Mr. McKEE. I would have been through my question by this time.

Mr. PHELPS. I cannot help that. I decline to yield unless my time is extended.

I was speaking of inn-keepers. I say with reference to them, the reason of the law that used to govern them failing, the law itself fails. We no longer give to inn-keepers especial privileges—any monopoly in the business; we cannot therefore burden their business with any restrictions. Therefore I claim that an enlightened court will refuse to enforce the provision; and against unenlightened courts the people of the South have still this refuge, that to their process they can tender despair. They will close their inns, and the traveler from the North who may visit that country and find it necessary for his entertainment to throw himself upon the hospitality of the south-erner, when he would prefer the independence of the inn, will doubtless return to the North determined to vote for the legislation of the republican party.

I cannot go through all these provisions. I pass over all special objections. I hasten to those general objections which apply to every provision of the bill. You are trying to do what it seems to me this House everlastingly tries in one form or another to do—to legislate against human nature. You are trying to legislate against human prejudice, and you cannot do it. No enactment will root out prejudice, no bayonet will prick it. You can only educate away prejudice; and to endeavor by a law to change the constitution of human nature is as idle as to send your cavalry to charge a mountain mist.

In this view this measure is only idle and foolish. But worse than that, if enacted, while it will not be carried out, it will effect positive and pernicious ill. It takes to the South the only thing of which the South has a plenty—contention and strife. Let us end this cruel policy. Has not the South suffered enough? Is it not already plowed and furrowed with misery? Let us not carry down new fire-brands. Let us not have bayonets! "Let us have peace."

Mr. Speaker, these are some of the evil results that I think now would follow this bill; these are the evil results that I thought a year ago would follow the bill when I left my party and voted against its consideration. But not because I feared these results did I leave the ranks of my party on that occasion. I recognize the importance of party. No man more freely admits the dignity and beauty of party fealty; and if ninety-nine of my fellow-republicans had said to me, "You think these results will follow; we do not," I would have cheerfully yielded. It is a matter of opinion, not of conviction. I have not that conceit in the accuracy of my own judgments that would lead me to think that my ninety-nine associates thought incorrectly and I alone correctly.

But after you leave matters of opinion and come to matters of conviction, then I no longer recognize the claims of party. Then come the claims of manhood and of conscience, which are higher, and them I choose to obey. While I cheerfully yield my intellectual convictions at the bidding of party, when it comes to a matter of conscience and

right like this, all domination of party I spurn, and the crack of the party whip falls on a deafened ear.

And so I voted against this bill, not for those results that others thought would not follow but which I thought would follow, but because, in my opinion, clear as the sun at noon-day, it could be shown by any constitutional lawyer who was not straining the Constitution as bull-dogs strain their leash, could be shown by any man who reads the Constitution in the light of history and logic, that this whole legislation, both in spirit and in letter, is hostile to the Constitution; hostile to the Constitution which protects the minority; hostile to the Constitution which we swore to defend. If I believe this of the bill, I am bound to oppose it; bound by all the instincts of an unselfish manhood; bound by the lower instincts of self-preservation, and a desire that this, the republican party, to which I belong, shall be saved from destruction. If you pass this bill, as you are determined, you strike at the Constitution a terrible blow. And when we strike at the Constitution, we, my friends of the republican party, strike at the only safe-guard left to the minority—a minority into which the people, on account of this bill last November, waved us, and in which, if we burden the statute-book with more legislation like this, we shall be perpetually kept.

Mr. CESSNA. I now yield for five minutes to the gentleman from Wisconsin, [Mr. WILLIAMS.]

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, it is hardly possible to compress the salient points of this subject into a five-minute discussion. Are we now legislating for a day, or a year, or for all time? Are we legislating for our own generation alone, or legislating here to-day for the teeming millions of all races, classes, and conditions of men who are to people this great Republic? Are we legislating upon the narrow ground of mere partisan success or failure? Are we governed by prejudice, or are we seeking to plant our feet upon the firm foundations of principle?

When the late war closed we thought the principle had been settled and secured, which should never be questioned or disturbed again—a principle sealed with the blood and sanctioned with the lives of three hundred thousand of as brave men as ever carried bayonets glistening in the sun. That principle was the "equal rights of all men before the law," and that to-day is the corner-stone of a reconstructed Republic. Shall we leave a flaw in the foundation which must endanger the superstructure again? This was the principle which found utterance in the last words of America's noblest and greatest statesman. Shall we not heed the echoes of that voice still sounding in these chambers, "Do not let my civil-rights bill fail!"

What inconsistency shall we be guilty of upon this question? We sit with colored men in these Halls without prejudice, but we teach our little boys that they are too good to sit with these men's children in the public school-room, thereby nurturing a prejudice they never knew, and preparing these classes for mutual hatred hereafter, though they are the ones who in the near future are to have charge of public affairs and upon whose action the peace and tranquillity of the nation must depend. We sit with colored men on juries; we ride with colored people on horse-cars in this the capital city of the country, but we are told that we should not do so on the steam-cars of the South! We ride with them in carriages even in warm weather and against the wind if they drive the carriage. We ride with them in sleeping-cars if they perform the menial service there; but if they pay their fares and take their seats like orderly, refined gentlemen, then we say we will spurn them from our presence.

Now, if you run a color line through the schools, where will you draw it? Shall it be the child of ebony hue that you will proscribe, or shall it be the half-blood, or the quadroon, or the octoroon, or the delicate young school-girl with a slight orange tint on her cheek? Who shall decide and who enforce this law? Shall it be the striplings, young men of great cities, who against law and in defiance of it drive young ladies away from school examinations? Ah, Mr. Speaker, is this the road which leads up to stability and peace? How many humble families are there whose pride and hope are centered in some favorite daughter. How they watch the days and weeks and months, when notwithstanding their poverty and humble condition in life their child shall graduate with the highest honors of the school. And do you think it a safe system of laws which sends into that humble home, instead of light, hope, and gratified ambition which causes its inmates to feel that they can hold up their heads and stand a little better in the world, only darkness and despair? Ah, sir, this too may be "sentimentalism;" but is that statesmanship which can thus trifle with the very fountains of human pride or human hate?

If you establish two grades of schools throughout the South, which shall be maintained and which go to the wall? Do we wish to fight this question all over again? We are in the first day of our natural life. Rome dominated the world in her prestige and pride for one thousand years. Shall we legislate here to-day as though the next centennial was to be the final end of this great Republic? Settle this question right now, and the color line falls out of politics. Settle it wrong, and it will come to plague you again. It may cause temporary strife, but better this than that growing prejudice and growing hate should rend and distract this country ever again. We are all in favor of educating the colored man. But shall we do this and expect him as he grows more enlightened, and as he reads the story of his wrongs on every page of history and in every public



journal, and as he acquires competence and advances in influence and power—do we expect him to remain quiet and contented under this unjust and unreasonable proscription? How can this be a social question? Do we invite all men whom we meet on equal terms in the business walks of life to our houses? Sir, the classifications of social life cannot be regulated by law. The dividing barriers may not be of brass, of iron, or of adamant; they may not be visible, but they stand on the earth, they reach to the sky. No man can or wishes to break through them. They are stronger than human law, for they rest upon mutual human preferences.

[Here the hammer fell.]

Mr. CESSNA. I now yield five minutes to the gentleman from Kansas, [Mr. PHILLIPS.]

Mr. PHILLIPS. I have been surprised at the position taken by the gentlemen on the other side of this Chamber. I have not been surprised at the opposition to their own platform or at the objection they raised the other night to the reading of a part of their platform by the gentleman from Indiana, [Mr. SHANKS,] that part of the platform having been intended to catch negro votes. That part of their platform they did not believe in; we did not believe in it; nobody believed in it.

But there was one thing which surprised me. I have been taught for forty years that the democratic party, or that part of it which styles itself the chivalry, had a high sense of honor and always met its obligations; that they held to the idea that when truth was banished from the bosoms of all men it should still be found in the bosoms of princes. Now, when the war closed there was an obligation left as binding as if it had been enforced at Appomattox. What was it?

When the war closed, a war unparalleled in atrocity; a war in which several hundred thousand men gave their lives—when that war, beginning in treachery, sustained by robbery of the United States mints and arsenals, marked by the atrocities of Andersonville, and ending with the assassination of the President of the United States—when that war closed by an act of magnanimity unparalleled in history, we tendered to those men free forgiveness at the hands of the Government. And for what? That these degraded people, these enslaved people should come back as an enfranchised people, with all the powers of government, with every right of citizenship of the United States, with all their civil rights as equals in this great Republic. And those men, Mr. Speaker, come back upon this floor with the power gained by such understanding, come back here to deny those rights for which they gained their own, and to deny their part of the agreement, and seek to make a degraded class in our country.

This is the great question before us, the question whether we can afford in these Southern States to have a degraded people. That is the question, whether we can have a class to look down upon; whether we can have, not slavery, but a degraded class of poor, unprotected, ignorant people.

Why, sir, these gentlemen forget the position in which we now find ourselves, that we have been elevating four millions of people from a condition of slavery, and there is no one who is interested in the elevation of that race but must feel that we should stand by them to elevate them and to help them. So far, with their opportunities, they have done nobly and well. And I appeal to those gentlemen who come here in consequence of the forgiveness extended to them at the close of the great war, the great war which was a great crime, and ask them to help us and to help them in the work of raising these people to the dignity of American citizenship, instead of denying the rights to which they owe their own privileges.

As regards the matter of schools, there is this practical question: In many school districts there are three or four or ten colored people. If you close the public schools against them, you say in effect that their children shall have no education. I say the republican party cannot afford to have them kept in that condition. I say you must divest yourself of prejudice and rise to the dignity of the occasion, feeling that the republican party has been especially honored by one thing in its past history, that it has been honored in being the handmaiden of God Almighty in producing the fruits of this great revolution and this elevation of the colored race. And if those gentlemen will persist in endeavoring to sow dissensions between the races, if they succeed in producing dissensions which must bring bloodshed and commotion and ruin, I warn them as they were warned before that while they appeal to the basest and lowest passions of the human heart to make a party, they are in the future as in the past doomed to learn that the Lord God Omnipotent reigneth.

[Here the hammer fell.]

Mr. CESSNA. Mr. Speaker, I did desire to address the House upon this question myself, but I have yielded all of my time but five minutes. The other night the gentleman from Indiana [Mr. SHANKS] appealed to the House to allow him to read a clause from the democratic platform. I now yield to that gentleman five minutes that he may have an opportunity to bring it before the House.

Mr. SHANKS. I ask the Clerk to read what I send to the desk.

The Clerk read as follows:

Whereas it is essential to just government we recognize the equality of all men before the law, and hold that it is the duty of the Government in its dealings with the people to mete out equal and exact justice to all of whatever nativity, race, color, or persuasion, religious or political, and it being the appropriate object of legislation to enact great fundamental principles into law: Therefore,

Mr. SHANKS. Mr. Speaker—

Mr. NIBLACK rose.

Mr. SHANKS. Do not take my time; I want to say some good things for your party.

Mr. NIBLACK. I only want to say that when the democratic party adopted that resolution it had been intimidated by the Cincinnati convention.

Mr. SHANKS. I think a great deal of my colleague, but much more of the platform that he has just repudiated. I have tried industriously, as this House is well aware, to get this platform before the country. It was before the country once before; but it was then before the country in such bad hands that the public did not give it credence; that is to say, they did not believe that the men who framed it framed it in good faith. And, sir, it is peculiar to see how discriminating the public mind is on all these questions. Why, sir, it is only two years since the time this was framed in bad faith and the people are convinced that their judgment was perfect when they said "You do not embrace yourselves the doctrine you put out in your platform." But, sir, I have sent that paragraph of the democratic platform of August 10, 1872, to the Clerk's desk for another purpose than that it shall be read simply. I sent it to the Clerk's desk proposing to make it a preamble to the bill now before the House. I am in favor of the Senate bill now upon your table; I am in favor of it because of the broad justice it contains, and this platform that has been read declares in terms as broad all the rights that the people of this country could ask.

Sir, I have been troubled and mortified since this bill came before us because I have heard so many things said in relation to the condition of the people of this country. I was well prepared to believe that the colored people of the country did not have the rights that were their constitutional and just due. I was informed of it by committees of this House, and I have since been slightly informed in the other way by a part of the committee from which we have heard recently. But I was surprised when I heard yesterday from the gentleman from Mississippi, [Mr. LAMAR,] for whom I entertain great regard, that the white people of Mississippi did not have as many advantages as the colored people of that State.

And now since the Cincinnati platform declares that the people of this country are entitled to their rights irrespective of race, color, nativity, or religious or political qualifications, I insist on the passage of this bill, not only to protect the black people in this country but the white people also.

Then, sir, there is another race, the red people of this country, for whom I stand here to speak. Under this platform and the doctrines taught in it, broad as they are, the rights of that race are secured. I speak for those who have no friends anywhere else.

Now I ask special attention to this platform adopted by these gentlemen in Cincinnati and rebaptized in Baltimore, in which they recognize the rights of all men, irrespective of race, color, or nativity, in such positive terms whenever they say that it is the duty of the Government—mark that, sir; it is not State rights; this is a national platform from which I quote, made by a national party and made in a national convention, which declares that the National Government shall in its dealings with the people do equal and exact justice to all the people, irrespective of race, color, or condition.

Now, Mr. Speaker, I find no trouble, as some gentlemen seem to do, in coming to a conclusion as to how I shall vote on this bill or any other. I vote as I think right, and leave the result to God who rules the right. I ask no questions about it. I never look behind me to see what the result will be, if I believe a measure to be right. The only question with me is: Is the measure right? God Almighty cannot afford to do wrong, and no man less than He can afford to do wrong or to do less than right, which is wrong. You cannot do that which is less than right without doing what is wrong in itself.

But we heard to-day from a republican, do not forget it, a republican, [Mr. PHELPS,] that he would oppose this measure; and upon what ground? Why, that one hundred men were shaken out of their seats here because this bill was before Congress at its last session. Ah, how did he vote upon that bill, and how was he shaken? He voted against the bill last session. He had a colleague here [Mr. DOBBINS] from his State who voted for it. The gentleman who now talks about people being shaken out of their seats was elected to this Congress by nearly three thousand majority, and to the next Congress he was elected by less than no majority at all—he was defeated. How was it with his friend and neighbor who voted for the bill? He was elected to the next Congress by over a thousand majority.

Who have been shaken out of their seats here? Timid men have been shaken out of their seats; men who have been afraid to stand up here and do right have been shaken out of their seats. But those men who are willing to indorse the principles enunciated in that platform have not been shaken out of their seats; or if they have been, they will have a good place to go to and a quiet conscience to console themselves with in their retirement.

[Here the hammer fell.]

Mr. BUTLER, of Massachusetts. I rise now to close debate. Before I move the previous question I propose to withdraw the motion to recommit in order to allow a vote upon the preamble offered by the gentleman from Indiana, [Mr. SHANKS.] It was a good old custom of our fathers to put a preamble before all laws in order that it may be understood what was meant by the law. I propose to renew that custom in this case. I now call the previous question.

Mr. COX. One word before that is done.

Mr. BUTLER, of Massachusetts. I cannot yield.

Mr. COX. Only a moment.

Mr. BUTLER, of Massachusetts. I have only but a little time to stay here, you know, and you have a great deal of time.

Mr. HALE, of New York. I wish to call the attention of the gentleman from Massachusetts to a verbal amendment which should be made to the substitute.

Mr. BUTLER, of Massachusetts. I have no objection to that.

Mr. COX. I want to say a word in reply to the gentleman from Indiana.

Many MEMBERS. Regular order! Regular order!

Mr. COX. I rise to a point of order.

Mr. HALE, of New York. The amendment which I would indicate—

Mr. COX. Do I understand the preamble can be separated from the original bill?

The SPEAKER. It must be if one member demands it.

Mr. COX. I desire to say a word on the preamble.

The SPEAKER. It must be separated for a vote, not for debate.

Mr. COX. I want to say in response to the gentleman from Indiana—

Many MEMBERS. Regular order! Regular order!

Mr. COX. Why not be good tempered? You are all going out.

The SPEAKER. If gentlemen will take their seats it will greatly conduce to order.

Mr. HALE, of New York. I understand the gentleman from Massachusetts to yield to me to propose an amendment to the substitute proposed by the gentleman from Alabama, [Mr. WHITE.] I believe it is not in his power to accept the amendment.

The SPEAKER. That will have to be done by unanimous consent.

Mr. HALE, of New York. I think unanimous consent will be given to perfect it.

Mr. CESSNA. I must object, for I do not think the substitute will ever hurt anybody, and it makes no difference whether it is perfected or not.

Mr. COX. I do not object, provided I have an opportunity to say a word.

Many MEMBERS. Regular order!

Mr. COX. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. COX. The preamble of this bill states that exact and equal justice shall be done.

The SPEAKER. Where is the point of order?

Mr. COX. I think if exact and equal justice should be done the gentleman from Indiana [Mr. SHANKS] should be hung like Absalom by the hair.

Many MEMBERS. Regular order!

The SPEAKER. The Chair will state the question. The gentleman from Massachusetts [Mr. BUTLER] withdraws the motion to recommit, and yields to the gentleman from Indiana, [Mr. SHANKS,] who moves as a preamble to the bill that which will be read by the Clerk.

The Clerk read as follows:

Whereas it is essential to just government we recognize the equality of men before the law, and hold that it is the duty of government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political; and it being the proper object of legislation to enact great fundamental principles into laws: Therefore,

Mr. COX. I want a separate vote on the preamble. We will all agree to that.

Mr. MILLS. I ask the gentleman from Massachusetts to let me have a portion of the republican platform read.

Mr. BUTLER, of Massachusetts. I cannot yield any further. I call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

The SPEAKER. The gentleman from Massachusetts is entitled to one hour to close debate.

Mr. BUTLER, of Massachusetts. I yield fifteen minutes to the gentleman from Ohio, [Mr. GARFIELD,] and I give notice that I cannot yield any more to anybody.

Mr. ATKINS. I have no objection to the abstraction of the preamble, but I would like to have it read again.

The SPEAKER. It will be read again before it is voted on. That will be the last thing voted on before the question on the passage of the bill.

Mr. GARFIELD. Mr. Speaker, I concur with those gentlemen who have said that this is a solemn and an interesting occasion. It recalls to my mind a long series of steps which have been taken during the last twenty-five years in the greatest of all the great moral struggles this country has known; and the measure pending here to-day is confronted, in the last assault which has been made upon it, by the first argument that was raised against the anti-slavery movement in its first inception; I mean the charge that it is a sentimental abstraction rather than a measure of practical legislation.

The men who began this anti-slavery struggle forty years ago were denounced as dreamers, abstractionists, who were looking down to the bottom of society and attempting to see something good, something worthy the attention of American statesmen, something that the friend of human rights ought to support in the person of a negro slave. Every step since that first sentimental beginning has been assailed by precisely the same argument that we have heard to-day.

I expressed the hope years ago, Mr. Speaker, that we had at last achieved a position on this great question where we could remit the black man to his own fate under the equal and exact laws of the United States. I have never asked for him one thing beyond this: that he should be placed under the equal protection of the laws, with the equal right to all the blessings which our laws confer; that as God's sun shines with equal light and blessing upon the lofty and the humble alike, so here the light of our liberty shall shine upon all alike; and that the negro, guaranteed an equal chance in the struggle of life, may work out for himself whatever fortune his own merit will win.

But, Mr. Speaker, we are brought to-day to confront, not a situation in which he is admitted to that equal right, but a situation in which a great political party are now for a time at least to take charge of his destiny; and we are called upon to inquire into what hands he will fall when they become masters of his fate. In order that we may see how the lines are drawn, I ask the Clerk to read a few passages I have marked—not the utterances of momentary passion, not a sentiment dictated in the heat of a political campaign, but the deliberate utterances of honored leaders of the democratic party, declaring their faith and their philosophy concerning the future of the black man on this continent. To these declarations they have signed their names and set their seals of approval. I send to the Clerk marked passages on pages 516 and 517 in the minority report on the Ku-Klux investigation of two years ago.

The Clerk read as follows:

We do not propose to discuss at large the question of negro government in these pages; but we feel that it would be a dereliction of duty on our part if, after what we have witnessed in South Carolina, we did not admonish the American people that the present condition of things in the South cannot last. It was an oft-quoted political apothegm, long prior to the war, that no Government could exist "half slave and half free." The paraphrase of that proposition is equally true, that no Government can long exist "half black and half white."

The mind of every thinking man is troubled about our future. He knows that a conflict of races must be the inevitable result of such a policy. In a struggle for the political power of the State, this conflict is already as clearly marked as white is from black. The line of separation between parties there to-day is not only one of color and distinctive races, naked and unbroken, but it is a question of supremacy, of exclusive tenure to office, of the right to govern, and a separation of representation from taxation.

Man's puny statutes cannot repeal or nullify the immutable ordinances of the Almighty. Those whom God has separated let no man join together. There can be no permanent partition of power nor any peaceable joint exercise of power among such discordant bodies of men. One or the other must have all or none. It is the very acme of folly and fanaticism to suppose, in this day of enlightenment and its consequent pride of feeling among the superior race, that there can be a reproduction of the ancient fable of tying the living and the dead together without causing death to both.

Such a state of things may last so long as the party shall last which had the power and audacity to inaugurate it, and no longer. But whenever that party shall go down, as go down it will at some time not long in the future, that will be the end of the political power of the negro among white men on this continent. Men in the frenzy of political passions may shut their eyes to this fact now, but it will come at any time when the negro shall cease to be a party necessity in the politics of this country.

The truly sincere and rational humanitarian looks with sorrow upon the future status of the poor deluded negro; for in the near state of things which is to come, when the two great parties which now exist shall have passed away, he sees either the exodus or the extinction of this disturbing element in the social and political condition of the more powerful race.

Mr. GARFIELD. This is a report of a joint committee of the two Houses of Congress, and it is signed: Frank P. Blair, T. F. BAYARD, S. S. COX, JAMES B. BECK, P. Van Trump, A. M. WADDELL, J. C. ROBINSON, J. M. Hanks.

Five of the gentlemen whose names are thus signed are members of this Forty-third Congress.

Mr. BECK. Mr. Speaker—

Mr. GARFIELD. I cannot yield now.

Mr. BECK. The gentleman will surely allow me to say that what he has just stated is not the fact, as I can show in a moment.

Mr. COX. It was shown last session.

Mr. BECK. I presume the gentleman from Ohio [Mr. GARFIELD] does not want to state what is not true.

Mr. GARFIELD. I am reading from an official document; and I hope the gentleman will excuse me. If I had time I would yield to him all the time he wanted.

Mr. BECK. I can state the fact in a moment. The report of that committee closes on page 509; the extracts which the gentleman has had read are from pages 516-517.

Mr. GARFIELD. These extracts are from page 516-517 and the names I have just read are at the end of the report of page 588.

Mr. BECK. Let me have the book a moment.

Mr. GARFIELD. The gentleman will see that I have no time to yield; but that he may not be denied a chance for explanation, I will yield one minute to him.

Mr. BECK. One minute is all I want. That committee made a report which did not contain that language or anything like it. It is to be found on pages 398 to 509; it closes on that page. Then this is inserted. What follows was drawn up by Mr. Van Trump as the minority member of the sub-committee who visited the State of South Carolina. It contains his own views. They are stated to be his own views, and the names at the close certify to that fact just as a clerk would certify to a record. That is the whole case.



Mr. GARFIELD. I am glad to hear what the gentleman states. It does not however change the fact which I have alleged. Here is a report which has now stood two years upon our records, and these names are signed at the end of it. The extracts I have read are found in the body of the text of that report, by whomsoever drawn. The gentleman from Kentucky [Mr. BECK] now says it was drawn by Mr. Van Trump, now dead, an honored name in the democratic party, a man never repudiated for this, so far as I have heard, either by his colleagues or his constituents. And this text makes a plain and unequivocal declaration that the fall of the republican party and the triumph of the democracy will be the signal for ringing the death-knell of the negro as a political power on this continent. If this means anything, it means that all the efforts of the American people to lift up the negro from slavery to citizenship have been a political blunder, if not a crime, which ultimately leaves the negro in a worse condition than when he wore chains in the rule of the democracy. The sentiments, so far as I know, are still uncontradicted. Gentlemen do not say now they repudiate this doctrine. They only say they did not read it at the time they signed it. I ask them if they repudiate it now?

Mr. COX. It was repudiated at the last session of Congress in the discussion between the gentleman from New York [Mr. SMITH] and the gentleman from Mississippi, [Mr. LAMAR.]

Mr. GARFIELD. By whom repudiated?

Mr. COX. By those to whom the gentleman has referred.

Mr. GARFIELD. Does the gentleman from New York now repudiate it?

Mr. COX. I do now as I did then, for I never signed it.

Mr. GARFIELD. Does the gentleman now repudiate the doctrine?

Mr. COX. I do.

Mr. GARFIELD. I am glad the gentleman repudiates it.

Mr. COX. I did not read that report and never saw it.

Mr. GARFIELD. It is a cheering sign of the advance of justice that we now have this disclaimer. But this report has gone far and wide as the authentic doctrine of the other side. It is true that a different doctrine was put forth in the Cincinnati platform, but that has never been well received by the gentlemen who put it forth.

Mr. Speaker, the theory upon which I base my criticism at this time is this: By no action of that great party, save in a preamble which they have repudiated and even refused to have read, have they given any sign they will not go back and plow up all that has been planted by the republican party whenever they can.

And now a word to our own people. The warnings uttered to-day are not new. During the last twelve years it has often been rung in our ears that by doing justice to the negro we shall pull down the pillars of our political temple and bury ourselves in its ruins.

I remember well when it was proposed to put arms in the hands of the black man to help us in the field. I remember in the Army of the Cumberland where there were twenty thousand Union men from Kentucky and Missouri and we were told that those men would throw down their arms and abandon our cause if we dared to make the negro a soldier. Nevertheless the men whose love of country was greater than their prejudice against color stood firm and fought side by side with the negro to save the Union.

When we were abolishing slavery by adopting the thirteenth amendment we were again warned that we were bringing measureless calamity upon the Republic. Did it come? Where are the Cassandras of that day who sang their song of ruin in this Hall when we passed that thirteenth amendment? Again when the fourteenth amendment was passed the same wail was heard, the wail of the fearful and unbelieving. Again when it was proposed to elevate the negro to citizenship, to give him the ballot as his weapon of self-defense, we were told the cup of our destruction was filled to its brim. But, sir, I have lived long enough to learn that in the long run it is safest for a nation, a political party, or an individual man to dare to do right, and let consequences take care of themselves, for he that loseth his life for the truth's sake shall find it. The recent disasters of the republican party have not sprung from any of the brave acts done in the effort to do justice to the negro. For these reasons I do not share in the fears we have heard expressed to-day, that this bill will bring disaster to those who shall make it a law. What is this bill? It is a declaration that every citizen of the United States shall be entitled to the equal enjoyment of all those public chartered privileges granted under State laws to the citizens of the several States. For this act of plain justice we are told that ruin is again staring us in the face! If ruin comes from this, I welcome ruin.

Mr. Speaker, the kind of cowardice which shrinks from the assertion of great principles has followed this grand anti-slavery movement from the beginning until now; but God taught us early in this fight that the fate of our own race was indissolubly linked with that of the black man on this continent—not socially, for none of us are linked by social ties except by our own consent, but politically in all the rights accorded under the law.

This truth was stated early by one of our revered poets when he said:

We dare not share the negro's trust.  
Nor yet his hope deny;  
We only know that God is just,  
And every wrong shall die.

Rude seems the song; each swarthy face,  
Flame-lighted, ruder still;  
We start to think that hapless race  
Must shape our good or ill;

That laws of changeless justice bind  
Oppressor with oppressed;  
And close as sin and suffering joined  
We march to Fate abreast.

Their fate politically must be ours. Justice to them has always been safety for us. Let us not shrink now.

[Here the hammer fell.]

Mr. BUTLER, of Massachusetts. I yield a moment to the gentleman from Iowa [Mr. DONNAN] to make a request.

Mr. DONNAN. The galleries are so full that it is impossible for the wives of members to find admission. I ask unanimous consent therefore that ladies be admitted to the floor of the House pending the discussion of this bill.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. NIBLACK. I will not object if members are not expected to give up their seats. But if, as has generally been the case, we have to give up our seats, I for one must object.

Mr. BUTLER, of Massachusetts. That is a social question.

Mr. SYPHER. Does the gentleman from Indiana expect that some colored lady may make application for his seat?

The SPEAKER. The Chair understands the gentleman from Indiana to object.

Mr. DONNAN. The gentleman only objects conditionally.

Mr. NIBLACK. I object without conditions.

The SPEAKER. The gentleman from Massachusetts has forty-five minutes of his time remaining.

Mr. BUTLER, of Massachusetts. I had hoped when this bill was first brought before the House that in all kindness of heart, in all singleness of purpose, with all propriety of tone and thought, we should discuss one of the most momentous questions of civil liberty that can be raised; a question the solution of which, for good or for evil, will affect our country longer, much longer, than we shall remain on the earth; but I have been disappointed.

It is a question of equal civil rights to all citizens—a doctrine in which I was brought up from my earliest boyhood. I have always been taught that the foundation of all democracy was equality of right, equality of burden, equality of power in all men under the law. And when a few years ago a religious and partisan furor shook the land and it was attempted to disfranchise from some of their rights in many of the States a portion of our citizens because of their foreign birth and because of their religion, when the cry went out "put no one but Americans on guard," I stood in my State in almost a hopeless minority, indeed almost alone, in saying that the privilege of American citizenship once granted was like the privilege of the Roman citizen—to be to him the same in *Latium* and at Athens. And I stood firmly to that until all that prejudice was rolled away from the foreign-born citizen by his standing shoulder to shoulder with our brothers and sons in the red track of battle.

Now comes another question of prejudice in which I was educated in my youth differently, the rights of the colored man. He has been made, by right or by wrong, but under the forms and with the force of constitutional law, a citizen of the United States. And were he as black as the black diamond, he has an equal right to every privilege with any citizen who is white as an angel. And upon that ground alone can a democratic republic stand. Upon that ground alone is civil and constitutional liberty on this continent to be preserved. And, therefore, I wonder with amazement when I hear it here stated that this bill is intended as a stab to constitutional liberty. Why, sir, this bill is the very essence of constitutional liberty. What does it do? It simply provides that there shall be an equality of law all over the Union.

My friend from Mississippi [Mr. LAMAR] says that in Mississippi the white man and the colored man have equal privileges. Be it so. Good for Mississippi. This was so made by a republican Legislature in which was a colored majority. But where is the like law in Kentucky, the "dark and bloody ground?" Where is that law in Tennessee? Where is that law—without stopping to enumerate—in a majority of the Southern States? But if it is a good law in Mississippi, why should it not be extended over all the Southern States? If it is a good law, and my friend from Mississippi agrees it is a good law and works well there, why should it not be enforced by proper and sufficient penalties to restrain bad men from violating it? And that is all the bill does.

I do not here and now mean to deal with the question of schools, for this reason: There are two kinds of opinion in the republican party on this question. I myself would legislate equal privileges to white and black in the schools, if I had the power, first, to legislate, and, secondly, to enforce the legislation. But the difficulty I find in that is, that there is such a degree of prejudice in the South that I am afraid that the public-school system, which has never yet obtained any special hold in the South, will be broken up if we put that provision into the bill. Then comes the provision of the committee that there shall be separate schools wherever schools are supported by taxation. There are some difficulties with an unwilling people in carrying out that provision, and there is an objection to it

on the part of the colored people, because they say they desire no legislation which shall establish any class distinction.

Then comes the proposition of my friend from Connecticut [Mr. KELOGG] to strike out all relating to schools. I should very much rather have all relating to schools struck out than have even the committee's provision for mixed schools. I leave this provision with these observations.

Mr. LAWRENCE. Will the gentleman allow me to make an inquiry?

Mr. BUTLER, of Massachusetts. I must say once for all that I cannot yield and will not yield to a mortal man. I would yield to my friend from Ohio quicker than to any other man.

Now, then, what are the objections here made to this bill? The first objection stated on the other side is that this bill establishes social equality. By no means; by no means. I undertook to show, when up before, how by this law social equality is not touched by the bill. It allows men and women of different colors only to come together in public, in theaters, in stage-coaches and cars, in public houses. I am inclined to think that the only equality the blacks ever have in the South is social equality; for I understand the highest exhibition of social equality is communication between the sexes, and I have here a statute of the State of Mississippi, which I propose to have read, which will show the extent to which social equality had place in that State before the war, and how a republican Legislature had to provide for the consequences of that social equality since the war. I ask the Clerk to read the extract from the statute which I send up.

The Clerk read as follows:

Whereas James Anderson has, by petition to the Legislature of the State of Mississippi, prayed for the removal of all illegitimacy from certain of his children, and given reasons therefor in said petition, which are just and humane in their character: Therefore,

SECTION 1. Be it enacted by the Legislature of the State of Mississippi, That Sheppard Anderson, born August 31, 1854, and begotten of Catherine Lee; Richard Anderson, born March 5, 1859, and begotten of Jane Anderson; Lewis Anderson, born May 1, 1860, and begotten of Nellie Ellis; Benjamin Anderson, born August 9, 1862, and begotten of Nellie Ellis; Caleb Anderson, born September 12, 1863, begotten of Jesse Hunnicutt; Edward Anderson, born July 8, 1864, and begotten of Alice Courtney; and Jane Anderson, born October 7, 1855, begotten by Margaret Fisher; and all of which said children are the illegitimate issue of said women, by said James Anderson, a citizen residing in Holmes County, State of Mississippi, be, and the same are hereby, declared and made the legitimate children of the said James Anderson, for all purposes in law or otherwise.

Mr. NIBLACK. I desire to know if I did not do right in keeping ladies from the floor during this discussion?

Mr. BUTLER, of Massachusetts. When was that law passed?

The CLERK. On the 11th of June, 1870.

Mr. BUTLER, of Massachusetts. Now, sir, if there is any greater social equality than that, to have one man become the father of seven children by six different colored women, I do not know what an exhibition of social equality is.

But more than that, sir. I hold in my hand the cry of a southern mother sent to me on the 19th of December last from Richmond, Virginia—a cry for another and different civil-rights bill—and I propose to have an extract from it read as a part of my remarks, that the mothers of this country may know the need of a civil-rights bill in the South to correct an evil; and while this letter is written by an unlearned woman, is illy spelled, and some portions of which I will not have read, yet I propose to have an extract read for the instruction of American women, American mothers, and American fathers. Will the Clerk read the extract I have marked?

The Clerk read as follows:

I have long wanted to address a few lines to you in regard to your civil-rights bill, but could not overcome my timidity, knowing as I do my incapacity to write as I ought to such a turned person as yourself; but fearing I shall not do my duty to my race if I remain silent, I shall trust these lines to your generosity for the forgiveness of all mistakes.

Dear sir, there is one important point which has escaped your notice. Nothing can ever make us equal with the white race while our daughters are forced to commit adultery by every white man and boy that chose to treat them as dogs; and if we attempt to apply to court one or more white boys will get up in court and say, I know her to be a bad woman or girl long ago; and the police justice calls us all a parcel of worthless prostitutes, and drives us out of court; and they won't even let the newspapers notice the outrage, just because we are colored people. Now, dear sir, you know no people can ever be great without their women are virtuous; and I know (because I live South) that we can never raise virtuous daughters unless there is some law made to protect us from the power of the white man to outrage our little daughters before they reach the age of twelve, and some of them are even outraged at eight, nine, and ten.

Do all that is in your power for us in this case, for on this reformation among our females depends our future welfare. Would it not be best to have this bill by itself? Then they surely could not say aught against that.

Mr. SMITH, of Virginia. Will the gentleman allow the remainder of that letter to be read?

Mr. BUTLER, of Massachusetts. I said over and over again that I will not yield to anybody.

Mr. SMITH, of Virginia. Did the gentleman state that that letter was from Richmond, Virginia; and if so will he give the name of the writer?

Mr. BUTLER, of Massachusetts. It is from Richmond, Virginia.

Mr. SMITH, of Virginia. Then I pronounce the statements utterly false as the republican representative from the Richmond, Virginia, district.

Mr. BUTLER, of Massachusetts. *Haud inexpertus*, I trust. Of

course every statement is false when the cry of a colored woman or a colored man comes up here.

Now, my attention has been called to a speech of the gentleman from New Jersey, [Mr. PHELPS,] wherein he told us that it would do no good to pass this bill, because prejudice is strong in the South. And when I compare his rose-colored report of the relations of the colored people and the state of affairs down in Louisiana with this statement, I was utterly astonished to find him stating that that prejudice is so strong there, when no mention of it crept into that report. I have shown, sir, that this bill does not touch the most terrible, the most awful question of social equality which grew up under a system where men traded in the results of their lust.

Now, sir, the next question we have to encounter is that this bill is born of malignity. Sir, I have a good authority on this point. It is generally supposed and believed that this bill was originated by Charles Sumner, of Massachusetts. The gentleman from Mississippi, [Mr. LAMAR,] speaking the honest sentiments of his heart no doubt in regard to that great man and this bill, says:

He did not hesitate to impress most emphatically upon the Administration, not only in public, but in the confidence of private intercourse, his uncompromising resolution to oppose to the last any and every scheme which should fail to provide the surest guarantees for the personal freedom and political rights of the race which he had undertaken to protect.

The spirit of magnanimity, therefore, which breathes in his utterances and manifests itself in all his acts affecting the South during the last two years of his life was as evidently honest as it was grateful to the feelings of those to whom it was displayed.

When Mr. Sumner came to contemplate death, his great regret was that he had not time to finish this work, that of passing the civil-rights bill which lies upon your table now.

But this was not the origin of the civil-rights bill. When we go down into the depths of the origin of civil rights, it is much further down than that. There was an old man of Puritan stock, a fanatic, if you please, who undertook to carry equality of rights into the wilderness of Kansas. He was there met by the bludgeon and the dagger and the pistol as the emblems of that civilization which he sought to overthrow. Almost crazed by that, but yet with a full belief that God had ordained that slavery should no longer exist, he organized a band of men, seventeen in number, at the head of which he put himself, and into which he took his two promising sons, defying the power of the Commonwealth of Virginia, defying the power even of this great Government, and made an invasion into Virginia and established himself there for the purpose of freeing the slaves; not in any purpose of malignity, but of love for the slave, but with a belief that God himself would interfere by a miracle and set right this great wrong, now acknowledged by all to be such. He was a brave, strong old man; he inaugurated that movement to which we are now about to put the finishing stroke.

He did it, you say, against the law. Pardon me; he had seen the law so outraged in support of slavery in Kansas that he had got his brain muddled on the question of legal right and wrong. The great brave act which he did there has been recognized by his countrymen in gratitude. Monuments have been erected to his memory, and it became the rallying cry to which marched the armies of liberty. He had many good qualities; he was a brave man; he never did a cowardly act; he never struck at anybody behind his back; and more than that, he never told a lie. Even when he lay in prison, and the governor of Virginia visited him and offered him life itself if he would but state what was not true, the old man spurned the bribe and went to the scaffold and gave his life for a poor and lowly race. And his disembodied spirit rose from thence to heaven, wafted there by the prayers and blessings of all the meek and lowly and of all the Christians in the land, and there it looks down smiling upon us from the realms of bliss, into which no liar shall ever go. His name was John Brown, the elder; not the younger, of that name.

There was another scene in the great drama of human liberty. There was a revolt in the South against the Constitution of the United States. There was an attempt to form a new confederation, whose corner-stone was slavery. There was an effort made to carry off eleven States from the constellation of stars. There was a treasonable endeavor to overturn this Government by force of arms in the interest of slavery. And that brought to the front another John Brown. I dare not trust myself to be a eulogist of that John Brown, the younger of that name. Therefore I pray the Clerk to read it from the report of the Committee on Elections of this House, where it is set out in language that must be parliamentary, however severe.

The Clerk began to read as follows:

[From the Louisville Courier-Journal, May 15, 1861.]

ELIZABETHTOWN, April 13, 1861.

Mr. HALE, of New York. I raise the point of order that this is not pertinent to the business before the House, and ought not to be thrust upon it.

Mr. W. R. ROBERTS. O, let it go on.

Mr. BUTLER, of Massachusetts. My friend was so far back, he probably did not hear what I said.

Mr. HALE, of New York. I think I heard it.

Mr. BUTLER, of Massachusetts. Then he cannot have understood it, for I said I was showing the various struggles through which the



principles which underlie the civil-rights bill had gone in order to be brought up here now for the finishing stroke.

Mr. HALE, of New York. I insist upon my point of order, that it is outside of the question before the House.

The SPEAKER. One of the most difficult points of order to rule on is, of course, the line of debate a member will mark out for himself. It is not for the Chair to dictate the line of debate for a member. The gentleman from Massachusetts of course will endeavor to keep himself within the limits of propriety.

Mr. HALE, of New York. Then I raise the further question of order that it is not in order to arraign in this manner a member of the House; that upon that subject the House has passed finally, and it is not in order here further to arraign that member.

The SPEAKER. The Chair quite concurs in the propriety of the view suggested by the gentleman from New York; but whether he is at liberty to rule out the remarks of the gentleman from Massachusetts, he does not clearly see.

Mr. HALE, of New York. I greatly regret that the remarks should be brought in here.

Mr. BUTLER, of Massachusetts. And I greatly regret the interruption. So we are even. Now, Mr. Clerk, will you go on and read? The Clerk read as follows:

(From the Louisville Courier, May 15, 1861.)

ELIZABETHTOWN, April 18, 1861.

*Editors Louisville Courier:*

My attention has been called to the following paragraph, which appeared in your paper of this date:

"JOHN YOUNG BROWN'S POSITION"—

Mr. HALE, of New York. I rise to another question of order. In this extract which the gentleman is having read a member is called by name; and I submit that that cannot be done under the guise of reading, any more than the gentlemen can do it himself in debate. He has no right to refer by name to a member of this House for the purpose of discussing his former conduct.

Mr. BUTLER, of Massachusetts. Have I not, Mr. Speaker, the right to read a letter written by a member of this House; that is what I am proposing to do—a letter written before he was a member? A MEMBER. It has been read in the House before.

Mr. BUTLER, of Massachusetts. This extract I wish to have read is from an official report—

Mr. HALE, of New York. I insist on my point.

Mr. BUTLER, of Massachusetts. I am reading from a public document.

Mr. BROWN. I ask the gentleman from New York [Mr. HALE] to allow the member from Massachusetts to proceed.

Mr. HALE, of New York. I speak in the interest of the House, not in the interest of the gentleman from Kentucky. Therefore I insist upon my point of order.

Mr. BUTLER, of Massachusetts. I am asking to have read from the report of a committee of this House, sanctioned and adopted by the House, a copy of a letter, to show the struggle through which the cause of civil rights has been obliged to pass in the course of its progress.

The SPEAKER. The Chair hopes the gentleman from Massachusetts will accept from the Chair a suggestion that the line of comment on which he is about to enter, and which is included in the extract now at the Clerk's desk, has more direct reference and relevancy to the painful occurrences of yesterday than to the general discussion of the civil-rights bill. It is wholly and entirely personal in its nature.

Mr. MILLIKEN. I ask that the gentleman from Massachusetts be permitted to go on in his own line of argument.

The SPEAKER. At the same time, the Chair repeats that nothing is more difficult and nothing would be productive of more mischief than for the Chair to assume to rule strictly upon the line which any gentleman may follow in his argument. That, of course, must be guided in a large degree by the view of the gentleman speaking, as to its propriety and pertinence. It would be assuming a very large function for the Chair to attempt to dictate the line of argument to any member.

Mr. HALE, of New York. Then I trust the gentleman from Massachusetts will not shame this side of the House by such an attack to which no response can be made.

Mr. BUTLER, of Massachusetts. I did not hear that remark.

Mr. HALE, of New York. I say I trust the gentleman from Massachusetts will not shame this side of the House by obtruding such remarks when there is no opportunity for response.

Mr. BUTLER, of Massachusetts. I sat here with my mouth sealed for hours yesterday and heard almost every remark I had ever made read without any objection on the part of the objecting New York member of to-day.

Mr. HALE, of New York. The gentleman from Massachusetts is in error; I did raise the objection yesterday.

Mr. BUTLER, of Massachusetts. Yes, the gentleman is right; he did object when his own language was up.

Mr. HALE, of New York. No, sir; it was when the remarks in relation to the gentleman from Massachusetts were up, and in relation to nobody else, that I interposed the objection. I have never objected as to remarks of my own.

Several MEMBERS. That is so.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I have lived to see

many things; and I expect to live to see many more, barring accidents; but I never expected to live to hear in this House of Representatives that a public report adopted by a former House cannot be read, out of kind consideration for the feelings of some man who put himself in rebellion against the country.

The SPEAKER. In so far as the comments of the Chair may have seemed to lean against the propriety of this line of discussion, the Chair desires not to be misapprehended. The point is not that a public report may not be read, if it has a relevant bearing upon the subject under discussion. The Chair does not desire to be misunderstood. He will assume no right of a doubtful character in ruling upon any gentleman's remarks. When the Chair interposes to arrest the course of debate the transgression of the rules must be very manifest and very palpable.

Mr. BUTLER, of Massachusetts. Mr. Clerk, will you go on and read?

Mr. GLOVER. I make the point of order whether the gentleman from Massachusetts—

Mr. BUTLER, of Massachusetts. I cannot be interrupted.

The SPEAKER. The gentleman from Massachusetts declines to be interrupted.

Mr. GLOVER. I rise to a point of order.

The SPEAKER. The Chair will hear the point of order.

Mr. GLOVER. The gentleman from Massachusetts has called the name of the gentleman from Kentucky [Mr. BROWN] in that connection. Indeed all his remarks have been in the same connection. He called the gentleman from Kentucky [Mr. BROWN] a rebel. I make the point of order whether he can use such language toward a member upon this floor.

The SPEAKER. The Chair understands the gentleman from Massachusetts to insist upon his right to debate here.

Mr. ELDREDGE. I rise to a parliamentary inquiry.

Mr. BUTLER, of Massachusetts. I do not think this should go on here in my time.

The SPEAKER. It does not come out of the time of the gentleman from Massachusetts. The gentleman from Massachusetts claims here the right to have read an official report, and the point made by the gentleman from New York is that that official report has no pertinency to the matter under discussion. If that were clearly and properly so, the Chair would rule it out. If it has such reference, no matter how severely it may bear on any member of this House, it cannot be ruled out upon that ground.

Mr. ELDREDGE. I rise to a parliamentary inquiry.

The SPEAKER. The Chair will hear it.

Mr. ELDREDGE. It seems the gentleman from Massachusetts has gone far enough to indicate the direction which his remarks are intended to take.

The SPEAKER. What is the inquiry?

Mr. ELDREDGE. I am about to put it, if the gentleman will give me an opportunity to do it, without intending to trespass upon the House by any imposition whatever.

Mr. BUTLER, of Massachusetts. I am not to give up all my time in this way.

The SPEAKER. The Chair will hear the gentleman's parliamentary point. It will not come out of the gentleman's time.

Mr. ELDREDGE. I was remarking when interrupted that the gentleman from Massachusetts had gone far enough to indicate the line of his argument or his attack, if you please to call it so, or whatever he may be pleased to call it.

Now, is it not proper for the Speaker to put the same question to him he did to the gentleman from Kentucky yesterday—"Does he intend to assail any member upon this floor?"

The SPEAKER. The point does not come in that form. The gentleman from Wisconsin must not misapprehend the point. The attack, if it be upon the gentleman from Kentucky, would not be in the language of the gentleman from Massachusetts, but in the language of an official report; and the only parliamentary point pending at all, and upon which anything could hinge, is whether the quotation from that official report which is about to be read is relevant or pertinent, or not.

Mr. ELDREDGE. Mr. Speaker, the gentleman asks to have read a report which can only be read as a part of his remarks. In that the name of the gentleman from Kentucky appears, and it contains a severe reflection upon him, I presume, from the intimation given to us by the gentleman from Massachusetts. Now, at that point, is it not proper for the Speaker to put the same question to him he put to the gentleman from Kentucky yesterday, whether the gentleman from Massachusetts intends to assail the character and honor of the gentleman from Kentucky?

The SPEAKER. The gentleman is outside of the point before the House. The gentleman from Massachusetts desires to have read an extract from an official report to this House containing a letter from the gentleman from Kentucky; and whether that is relevant or not is the only point at issue. Is the reading of that letter relevant to this debate? It is not for the Chair to ask the gentleman from Massachusetts whether the reading of that letter will reflect on the gentleman from Kentucky or not. The gentleman is not saying anything about the gentleman from Kentucky.

Mr. ELDREDGE. That is his intention, his purpose, his object in having this paper read.

The SPEAKER. The Chair never rules upon the motives of members.

Mr. HALE, of New York. The gentleman from Massachusetts can be properly inquired of whether he thinks this letter has any bearing on the subject under consideration.

Mr. BUTLER, of Massachusetts. I certainly do, and I will make it pertinent whenever the gentleman will allow it to be read.

The SPEAKER. The relevancy or pertinency of matter used in debate must be left, unless the rules are palpably transgressed, to the discretion of each member.

Mr. HALE, of New York. I trust the House will bear in mind the declaration of the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. I trust they will.

The Clerk read as follows:

[From the Louisville Courier, May 15, 1861.]

ELIZABETHTOWN, April 18, 1861.

Editors Louisville Courier:

My attention has been called to the following paragraph which appeared in your paper of this date:

"JOHN YOUNG BROWN'S POSITION.—This gentleman in reply to some searching interrogatories put to him by Governor Helm, said, in reference to the call of the President for four regiments of volunteers to march against the South. 'I would not send one solitary man to aid that Government, and those who volunteer should be shot down in their tracks.'"

This ambiguous report of my remarks has, I find, been misunderstood by some who have read it, who construe my language to apply to the government of the Confederate States. What I did say was this:

"Not one man or one dollar will Kentucky furnish Lincoln to aid him in his unholy war against the South. If this northern army shall attempt to cross our borders we will resist it unto the death; and if one man shall be found in our Commonwealth to volunteer to join them, he ought and I believe will be shot down before he leaves the State."

This was not said in reply to any question propounded by ex-Governor Helm as you have stated, and is no more than I frequently uttered publicly and privately prior to my debate with him.

Respectfully,

JOHN YOUNG BROWN.

Mr. HALE, of New York. I now rise to a question of order.

Mr. BUTLER, of Massachusetts. Let the Clerk read the next passage I have marked; it is a portion of the committee's report.

The Clerk read as follows:

The letter bears date April 18, 1861, and was addressed to and published in a paper openly advocating war upon the nation, rather than in either of the two Union papers of Louisville. Sumter had been fired upon six days before; President Lincoln had three days before called on the governors of States for seventy-five thousand volunteers to put down the rebellion; Governor Magoffin, of Kentucky, had replied, "I say emphatically Kentucky will furnish no troops for the wicked purpose of subduing her sister Southern States;" the nation had been aroused; the patriotic heart throughout its length and breadth had been stirred, and the appeal had summoned every man to his duty; in Kentucky there was doubt and uncertainty; there was diversion among her leading men, the public mind was excited and sensitive in the extreme, and the mass of her people were wavering. Under these circumstances and in this condition of things, Mr. Brown, one of her young and popular orators, gifted and influential, returns from the halls of Congress, and, almost in the same language with which her governor had hurled back his treasonable response to President Lincoln's proclamation, declares, "publicly and privately," to the doubting and hesitating among his fellow-citizens that "not one man or one dollar will Kentucky furnish Lincoln to aid him in his unholy war against the South. If this northern army shall attempt to cross our borders, we will resist it unto the death; and if one man shall be found in our Commonwealth to volunteer to join them, he ought and I believe will be shot down before he leaves the State."

How much of the blood that subsequently flowed upon the soil of Kentucky is justly attributable to these sentiments thus uttered will never be known. But it was a pledge of impunity for murder; it stimulated thirst for the blood of Union soldiers; and there followed the blackest crimes, not against country alone, but against humanity. The letter also discloses that he had privately avowed these atrocious sentiments. It is no less than a confession that he had secretly urged the assassination of Union soldiers while promising to shield the confederate, thus encouraging, stimulating, and setting on foot the guerrilla warfare which subsequently raged with such infamous cruelty in many parts of Kentucky. The committee are forced to believe that Mr. Brown, in manner and form herein set forth, has contributed to these terrible results, and that therein having "voluntarily given aid, countenance, counsel, and encouragement to persons engaged in armed hostility to the United States."

Mr. HALE, of New York. I now rise to a further question of order. The gentleman from Massachusetts has procured the reading of this statement on his personal assurance to the House that it was pertinent to the subject under consideration before the House. The reading which has taken place demonstrates that that declaration of the gentleman from Massachusetts was without foundation.

Mr. BUTLER, of Massachusetts. By no means.

Mr. HALE, of New York. I raise this question of order—

Mr. BUTLER, of Massachusetts. On which I presume I will be heard.

Mr. HALE, of New York. I raise the question of order that this document read from the desk has been improperly read, and ought not to be allowed to go into the Record.

Mr. ELDREDGE. The gentleman should request the words to be taken down, that the question of prevarication may be raised upon them.

Mr. BUTLER, of Massachusetts. I think I have a right to show how what has been read is pertinent to this discussion.

The SPEAKER. The Chair will hear the gentleman.

Mr. HALE, of New York. My point of order being reserved.

The SPEAKER. Certainly; the point of order will be reserved.

Mr. BUTLER, of Massachusetts. The gentleman from Kentucky [Mr. BROWN] made a speech against the civil-rights bill, and I have endeavored to put his published sentiments, as reported upon by a

committee of this House, before the House to show how little heed we should pay to anything he says on the subject; to show how little we should take his advice; how little we should hear from him at all unless he has deeply repented; and I have no knowledge of his repentance.

Again, it is pertinent in this: He accused me of being the only one who charged that there were murderers in the South. I produce the solemn report of a committee of the House, and his own letter to show that there were men who counseled murder in the South, and not only murder, but assassination, and that instead of my being his accuser he was his own accuser; and that this state of things existed, which shows how completely the negro, if we do not protect him in his rights, is at the mercy of the same men who would have shot down the gentleman from New York himself if he had ever dared to step across the line of Union bayonets during the war. [Applause on the floor and in the gallery.]

Mr. CROSSLAND. I rise to a question of order. I desire to know if this House has no power to protect itself against these disorderly and insolent manifestations.

The SPEAKER. The Sergeant-at-Arms is hereby directed by the Chair, on the slightest manifestations in the galleries of disapproval or applause, to clear them peremptorily.

Mr. COX. But the disorderly conduct is also on the floor.

The SPEAKER. The Chair hopes the gentlemen on the floor do not require that motion. The Sergeant-at-Arms will be expected to do what the Chair has directed without further instructions from the Chair.

Mr. HALE, of New York. The first position of the gentleman from Massachusetts [Mr. BUTLER] is that this reading is pertinent because it demonstrates the little weight to be given to the arguments of the gentleman from Kentucky.

Now, the gentleman might just as well by that course of argument insist upon his right to attack the personal character of any member of this House, to read evidence to attack his character or to prove that he or any other member of the House had been guilty of felony or of any other grave offense like that, or a charge perhaps like that, of drawing, contrary to law, double salary, as to make this point on the gentleman from Kentucky, [Mr. BROWN.] It is a conclusive answer which he makes himself when he proposes to demolish the gentleman's argument by attacking the gentleman's character. In regard to the statement that the gentleman from Kentucky was the one who charged him with being a murderer and with having murdered a man in New Orleans, the gentleman is entirely in error as to the person who made that charge. That remark did not come from the gentleman from Kentucky, and the remarks of the gentleman it seems to me are entirely out of order and should not go upon the record.

The SPEAKER. This, of course, is a point of order which has to be decided by the House. It is not in the power of the Chair to decide what shall go upon the record.

Mr. HALE, of New York. I move, if it be in order, that that portion of the gentleman's remarks do not go upon the record.

Mr. NEGLEY. And I move to lay that motion on the table.

The SPEAKER. The Chair cannot entertain the motion.

Mr. BUTLER, of Massachusetts. Now I was about to say, when interrupted, that the reason why we desired to have this bill passed was the very fact that has been so often put before us, that we are about passing out of power. We are to surrender power, in one branch of this Government at least, into the hands of gentlemen who entertain the sentiments toward Union men and Union soldiers, and who avowed them on the stump and have not retracted them to my knowledge, that are contained in the report I have had read. And if I am claimed to have been wrong the other day in saying that there was a minority of murderers in the South, here is my justification, the House of Representatives having solemnly said it by adopting that report—have declared that there were not only murderers in the South but assassins, and therefore I was right in saying it.

Mr. ELDREDGE. I ask that the last words of the gentleman from Massachusetts be taken down and read at the Clerk's desk.

The SPEAKER. They will be written out.

The notes having been written out by the reporter, the Clerk read as follows:

And if I was wrong the other day in saying that there was a minority of murderers in the South, here is my justification, the House of Representatives having solemnly said it by adopting that report—not only murderers, but assassins; and therefore I was right in saying it.

The SPEAKER. What is the point of order that the gentleman from Wisconsin makes upon that language?

Mr. ELDREDGE. The language to which I object preceded that. As I apprehended the remarks of the gentleman from Massachusetts, they were that the Government was about to be surrendered into the hands of murderers and assassins.

Many MEMBERS. O, no! O, no!

The SPEAKER. The Chair rules that the remarks of the gentleman from Massachusetts come within the rules of the House. There is nothing in the language read that transcends the rules of debate. The Chair of course cannot be a censor on the propriety of the language used here.

Mr. ELDREDGE. I do not ask the Chair to do that; I ask him to rule upon the remarks which the gentleman from Massachusetts made.



The SPEAKER. The remarks made by the gentleman from Massachusetts were clearly and absolutely within the legitimate line of debate.

Mr. RANDALL. I move that the gentleman from Massachusetts have leave to proceed.

Mr. BUTLER, of Massachusetts. I ask such leave from no one.

The SPEAKER. The gentleman from Massachusetts requires no leave to proceed, as the Chair has ruled that his language was absolutely within the legitimate limits of debate.

Mr. BUTLER, of Massachusetts. Did the gentleman from Wisconsin understand me to say that the gentleman from Kentucky was an assassin and a murderer?

Mr. ELDREDGE. I did not; but I understood the gentleman from Massachusetts to say that he was justified in his remarks in calling a minority of the people of the South by the terms which he used and which I do not choose to repeat, because the Government was about to pass into the hands of murderers and assassins, at least in one branch of it, and there are gentlemen on this floor who will form a part of that branch of the Government in the next Congress. I remark at the same time that the gentleman did not reflect on me.

The SPEAKER. The Chair doubts if even in the extreme form in which the gentleman presents it a point of order could be raised. Put it in the extremest form, and the right of a member on the floor to abuse everybody under the sun except a fellow-member or a member of the Senate is undoubted.

Mr. BUTLER, of Massachusetts. I rise to a parliamentary inquiry. Is it not in order also for members to be abused by everybody else under the sun?

The SPEAKER. The Chair does not need to make a ruling to sustain any man in that right.

Mr. BUTLER, of Massachusetts. I desire, sir, to assure gentlemen on the other side and to assure the men of the South that we are only trying to protect these poor men that we have taken from slavery and made citizens, and I adjure them now that they shall do it for themselves after this bill is passed, so that there shall never be an occasion to put a single provision of it into effect.

Now, sir, having vindicated my right to say what I please upon this question, and I do not please to say anything that I have not a right to say, I desire to say in all kindness to the southern people that I sympathize with them in their deplorable condition. It is different from what it is with us in the North. When the northern army was disbanded hundreds and thousands of men were sent back home, some of whom if unemployed would have become the pests of society. But we rapidly absorbed all those, with a very few exceptions, because we had employment—mechanical, manufacturing, sea-faring, and other employments—to take up all the unruly and uneasy spirits that got into the Army and were demoralized by camp-life.

But with the South it was different. Their system of labor had prevented the white man from laboring, even from learning to labor, and when the southern army disbanded it threw upon society a class of men demoralized by war, without work, without employment, largely without education by which they might divert their minds, with nothing on earth to do except to brood upon their defeat and think how wrong it was that the result of the war had been such as to take from them the negro who had earned their living for them before the war. And that state of natural irritation has brought forward in the South a large number of unruly men, demoralized men, who make substantially all the disturbances there. Most of the "white-leaguers," that are not young men simply growing up with the teaching of the war, are men of that class.

I call upon the good men South, if they want prosperity, that they themselves check and control this class of men. They are impoverishing the South; they are impoverishing our country. And when I spoke of the South having a large minority of murderers and night-riders, I spoke of that class of men that make the Ku-Klux and White Leagues. It never occurred to me that any man on this floor could suppose for a moment that I referred to men who are here, or to a majority of the men in the South, who I have no doubt honestly desire peace and quiet. I am bound in all fairness to say so much; and it is done without compulsion.

I have now an answer to make to the gentleman [Mr. WHITEHEAD] who told us yesterday that if we passed this civil-rights bill the people of the South would export their cotton and tobacco directly to Europe, and would not let us of the North make a profit on it. What an argument to address to men of common intelligence! Think of it a moment. If we do what is right to preserve the rights of the negro, who raises the cotton and tobacco, and without whose labor there would not be a bale of cotton or twenty pounds of tobacco raised there, we are threatened that the South will sell it all to England! Will you indeed? And you will not buy our goods, you say. Now that depends upon whether we can sell goods to you cheaper than England can. You know you would buy wooden nutmegs if we sent them down there, and they were cheaper than the real articles.

The day has gone past when the merchants of New York were kept in the slavery column by threats that the South would not trade with them. Why, sir, ten years have passed, twelve years have passed, a great war has passed; and are we to be thrown out of our propriety here by an argument of that sort? I was sorry to hear my friend near me, [Mr. CHITTENDEN,] the only representative here of the merchants of New York, make a speech against this bill immedi-

ately after that threat was made. I am certain he did not hear it; and if he had it would have had no effect on him.

Mr. CHITTENDEN. I did not hear it.

Mr. BUTLER, of Massachusetts. I am certain of that, and I was bound to say that much for the gentleman.

Mr. CHITTENDEN. I did not hear it; if I had I should have answered it emphatically.

Mr. BUTLER, of Massachusetts. Another argument; we are told that if we pass this bill we shall not come back to Congress, and we are reminded by the gentleman from New Jersey [Mr. PHELPS] that this bill was the great issue in the last election. I will not stop to make a personal application of that to the gentleman from New Jersey, [Mr. PHELPS,] for he is an example quite to the contrary, if you please, as he voted against this bill and has not come back. But I say in the face of the country that it is my deliberate conviction that the reason why some here have not been sent back is because we did not pass this bill a year ago. The people turned from us because we were a do-nothing party, afraid of our shadows; because we were aptly described by that portion of Scripture which relates how it was written to the angel of the church of the Laodiceans:

I know thy works, that thou art neither cold nor hot: I would thou wert cold or hot. So then because thou art lukewarm, and neither cold nor hot, I will spew thee out of my mouth.

The republican party being neither hot nor cold, the country rightly spewed us out of its mouth. When I am met in the argument by the assertion "You do not represent the people; you were beaten in your election," my answer is that my successor—a very estimable gentleman he is in every sense—could no more have come here than he could have been translated to heaven as Elijah was if he had not agreed to stand upon the doctrine of equality of races and of men before the law, and so declared on every stump in my district. Nor could one democrat have been elected from Massachusetts, not even my old friend who is to represent the district of my colleague, [Mr. DAWES,] and who voted with me fifty-seven times for Jeff Davis, unless it was understood that he stood with me for the equal rights of all men.

I say again, and I want it to go forth as a thing which I stand upon, as you on the other side were compelled in your platform of 1872 to declare for equality of rights of all men before the law, so every republican was bound to stand by that. And where we were beaten it was because we had neglected to do the thing we had promised, and it was not made an accomplished fact. When we passed the thirteenth amendment to the Constitution of the United States we lost Ohio the first year; but we regained it the next. So now if the republican party will finish their great work, pass the civil-rights bill. If, then, we will by bayonet or otherwise bring peace, prosperity, law and good order in the South, and put down those that ride by night there to murder and burn, which the South ought to do for itself, you will find that we will come back here sustained by voices of the loyal Union-loving men of the country.

[Here the hammer fell.]

The SPEAKER. The gentleman's time has expired. The first question is upon the amendment of the gentleman from Connecticut to the bill reported by the Judiciary Committee.

Mr. COX. I reserve the right to a separate vote on the preamble.

The SPEAKER. That of course can be had. That will be the last vote.

Mr. BUTLER, of Massachusetts. It is the last vote gentlemen on the other side want.

Mr. SMITH, of Virginia. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. SMITH, of Virginia. A letter has been read here this morning from my district without a signature—a letter which is basely false in every particular; and I find by reference—

The SPEAKER. The only thing that can make that a question of privilege is some falsehood respecting a member of the House. Does the gentleman affirm that the letter contains any such thing?

Mr. SMITH, of Virginia. The letter which was read is a letter from Richmond.

The SPEAKER. The Chair does not see any question of privilege here. Any falsehood respecting a member of the House would constitute a question of privilege.

Mr. SMITH, of Virginia. It affects my constituents.

The SPEAKER. That is not a question of privilege.

Mr. SMITH, of Virginia. It is a misrepresentation of them from beginning to end.

The SPEAKER. That may be.

Mr. BUTLER, of Massachusetts. I have the name of the writer in my pocket.

Mr. SMITH, of Virginia. I ask unanimous consent to make a statement.

Mr. BUTLER, of Massachusetts. I shall object unless I have the same privilege.

Mr. SMITH, of Virginia. It affects me as a Representative in that it is a false charge.

The SPEAKER. That cannot constitute a question of privilege.

Mr. BUTLER, of Massachusetts. I have the name of the writer in my pocket. I did not choose that they should kill that poor colored woman.

The SPEAKER. The question is on the amendment of the gentleman from Connecticut, [Mr. KELLOGG,] which is to strike out from the

bill reported by the Judiciary Committee the words which will be read by the Clerk.

The Clerk read as follows:

Strike out the following:

And also all common schools and public institutions of learning or benevolence supported in whole or in part by general taxation, and also the institutions known as agricultural colleges endowed by the United States.

Strike out also the following:

*Provided*, That if any State or the proper authorities in any State, having the control of common schools or other public institutions of learning aforesaid, shall establish and maintain separate schools and institutions, giving equal educational advantages in all respects for different classes of persons entitled to attend such schools and institutions, such schools and institutions shall be a sufficient compliance with the provisions of this section so far as they relate to schools and institutions of learning.

The question being taken on the amendment of Mr. KELLOGG, there were—ayes 128, noes 48.

Mr. ORTH called for the yeas and nays.

Mr. BURROWS. Can the question on this amendment be divided?

The SPEAKER. It is not divisible.

The yeas and nays were not ordered.

So the amendment of Mr. KELLOGG was agreed to.

Mr. KELLOGG moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair understands that the preamble proposed by the gentleman from Indiana [Mr. SHANKS] is intended to apply to whichever bill the House may agree to.

Mr. SHANKS. Yes, sir.

The SPEAKER. Therefore it will properly be reserved for the last vote.

Mr. COX. Would it be in order to offer an amendment to the preamble so as to include another clause of that platform?

The SPEAKER. It would not, because the previous question is operating on the whole.

Mr. COX. As a part of the amendment, I would propose, if in order, another part of the platform read by the gentleman from Indiana, [Mr. SHANKS:]

Local self-government, with impartial suffrage, will guard the rights of all citizens more securely than any centralized power. The public welfare requires the supremacy of the civil power over the military authority.

The SPEAKER. The next question is on the substitute of the gentleman from Alabama, [Mr. WHITE.] The gentleman from Pennsylvania [Mr. CESSNA] having moved as a substitute for the committee's bill the text of the Senate bill *in totidem verbis*, the gentleman from Alabama moves to substitute for the amendment of the gentleman from Pennsylvania what the Clerk will read.

Mr. HALE, of New York. I ask unanimous consent to offer a verbal amendment to the substitute of the gentleman from Alabama.

Mr. NEGLEY. I object.

The Clerk read as follows:

That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters and other places of public amusement; and also of common schools and public institutions of learning or benevolence supported in whole or in part by general taxation, subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude: *Provided*, That nothing in this act shall be construed to require mixed accommodations, (by sitting together,) facilities, and privileges at inns, in public conveyances on land or water, theaters or other places of public amusement, for persons of different race or color, nor to prohibit separate accommodations, facilities, and privileges at inns, in public conveyances on land or water, theaters or other places of public amusement; such separate accommodations, facilities, and privileges being equal in equipment and kind for persons of every race and color, regardless of any previous condition of servitude: *And provided further*, That nothing in this act shall be construed to require mixed common schools and public institutions of learning and benevolence for persons of different race or color, nor to prohibit separate common schools for different races or colors, provided the facilities, duration of term, and equipments of such common schools and public institutions for both races in the town, city, school district, or other topographical division shall be equal in facilities and equipments for both races for the purposes for which such institutions are established.

SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit the sum of \$500 to the person aggrieved thereby, to be recovered in action of debt, with full costs: *Provided*, That no action shall be maintainable under the provisions of this act when equal but separate accommodations, advantages, facilities, or privileges are provided for and are not denied to the party complaining of the violation of this act: *And provided further*, That all persons may elect to sue for the penalty aforesaid or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred.

SEC. 3. That the district and circuit courts of the United States shall have cognizance of all violations of the provisions of this act, and actions for the penalty given by the preceding section may be prosecuted in the territorial, district, or circuit courts of the United States wherever the defendant may be found, without regard to the other party.

SEC. 4. That no citizen, possessing all other qualifications which are or may be prescribed by law, shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid, shall, on conviction, be fined not more than \$1,000.

SEC. 5. That all cases arising under the provisions of this act shall be reviewable by the Supreme Court of the United States, without regard to the amount in controversy, in the same manner as now provided by law for the review of other causes in said court.

Mr. RANDALL. I rise to a parliamentary question. I wish to inquire what would be the effect of the adoption of the substitute of the gentleman from Alabama with regard to the amendment of my colleague [Mr. CESSNA] and the bill of the Judiciary Committee as amended by the adoption of the amendment of the gentleman from Connecticut, [Mr. KELLOGG?]

The SPEAKER. The matter now stands in this position: There are two substitutes pending. The gentleman from Pennsylvania [Mr. CESSNA] moves a substitute which is in effect the Senate bill. The gentleman from Alabama [Mr. WHITE] moves as a substitute for that the sections which have just been read. If the House votes to substitute the amendment of the gentleman from Alabama for that of the gentleman from Pennsylvania, it will require a second vote to substitute it for the bill of the Judiciary Committee.

Mr. RANDALL. As amended.

The SPEAKER. If, on the other hand, the House should reject the amendment of the gentleman from Alabama, it will then come to a direct vote on substituting for the bill of the Judiciary Committee the amendments of the gentleman from Pennsylvania, which is the Senate bill.

Mr. SENER. The Chair says that the amendment of the gentleman from Pennsylvania is in effect the Senate bill. Is it not the precise language of the Senate bill?

The SPEAKER. It is.

The question being taken on agreeing to the substitute of Mr. WHITE, there were—ayes 91, noes 114.

Mr. SENER and others called for the yeas and nays.

On ordering the yeas and nays there were—ayes 24, noes 112.

Mr. YOUNG, of Georgia, and Mr. ROBBINS called for tellers on ordering the yeas and nays.

Tellers were not ordered.

So the yeas and nays were not ordered; and the substitute of Mr. WHITE was not agreed to.

Mr. CESSNA moved to reconsider the vote by which Mr. WHITE's substitute was rejected, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question now recurs on the motion of the gentleman from Pennsylvania, [Mr. CESSNA,] to substitute the text of the Senate bill for the bill of the Judiciary Committee as amended by the House.

Mr. CESSNA and Mr. SPEER called for the yeas and nays.

The yeas and nays were ordered.

The substitute of Mr. CESSNA was as follows:

That all citizens and other persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters and other places of public amusement and also of common schools and public institutions of learning or benevolence supported in whole or in part by general taxation and of cemeteries, so supported; and also the institutions known as agricultural colleges endowed by the United States, subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

SEC. 2. That any person who shall violate the foregoing section by denying to any entitled to its benefit, except for reasons by law applicable to citizens of every race and color and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of \$500 to the person aggrieved thereby, to be recovered in an action on the case, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$1,000, or shall be imprisoned not more than one year: *Provided*, That the party aggrieved shall not recover more than one penalty; and when the offense is a refusal of burial, the penalty may be recovered by the heirs at law of the person whose body has been refused burial: *And provided further*, That all persons may elect to sue for the penalty aforesaid or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this proviso shall not apply to criminal proceedings, either under this act or the criminal law of any State.

SEC. 3. That the district and circuit courts of the United States shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses against, and violations of, the provisions of this act; and actions for the penalty given by the preceding section may be prosecuted in the territorial, district, or circuit courts of the United States wherever the defendant may be found, without regard to the other party. And the district attorneys, marshals, and deputy marshals of the United States, and commissioners appointed by the circuit and territorial courts of the United States with powers of arresting and imprisoning or bailing offenders against the laws of the United States, are hereby specially authorized and required to institute proceedings against every person who shall violate the provisions of this act, and cause him to be arrested and imprisoned or bailed, as the case may be, for trial before such court of the United States or territorial court as by law has cognizance of the offense, except in respect of the right of action accruing to the person aggrieved; and such district attorneys shall cause such proceedings to be prosecuted to their termination as in other cases: *Provided*, That nothing contained in this section shall be construed to deny or defeat any right of civil action accruing to any person, whether by reason of this act or otherwise.

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than \$1,000.

SEC. 5. That all cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States without regard to the sum in controversy, under the same provisions and regulations as are now provided by law for the review of other causes in said court.

Mr. LEWIS. I wish to make a parliamentary inquiry. If the House should now agree to the amendment of the gentleman from



Pennsylvania, will it bring before the House for final action the bill in the form agreed to by the Senate?

The SPEAKER. It will not bring the Senate bill itself before the House, but it will bring the exact words of the Senate bill.

Mr. KELLOGG. Including the provision of the Senate bill in regard to schools?

The SPEAKER. The Chair can say nothing about the provisions of any of these propositions; that is a matter with which he has nothing to do.

The question was taken; and it was decided in the negative—yeas 114, nays 148, not voting 27; as follows:

YEAS—Messrs. Albert, Barber, Barrere, Bass, Begole, Buffinton, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Clayton, Stephen A. Cobb, Coburn, Conger, Cotton, Crooke, Crouse, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Eames, Field, Fort, Foster, Garfield, Gooch, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hurlbut, Kasson, Kelley, Lampport, Lansing, Lawrence, Lawson, Loughbridge, Lowe, Lynch, McCrary, MacDougall, James W. McDill, McNulta, Monroe, Morey, Morrison, Myers, Negley, Niles, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phillips, Pierce, Pike, James H. Platt, jr., Poland, Potter, Pratt, Rainey, Randall, Rapier, Ray, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Ross, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Shields, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Standford, Starkweather, Charles A. Stevens, Storm, Stowell, Straits, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Vance, Waddell, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, White, Whitehead, Whitehouse, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—218.

NAYS—Messrs. Adams, Albright, Archer, Arthur, Ashe, Atkins, Averill, Banning, Beck, Bell, Berry, Biery, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Bundy, Roderick R. Butler, Caldwell, Caulfield, Chittenden, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clements, Clymer, Clinton L. Cobb, Comingo, Cook, Corwin, Cox, Crittenden, Crossland, Crutchfield, Davis, DeWitt, Dunnell, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunckel, Gunter, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Hays, Hereford, Herndon, Holman, Hubbell, Hunter, Hutton, Hyde, Hynes, Kellogg, Knapp, Lamar, Lamison, Leach, Lewis, Lofland, Lowndes, Luttrell, Magee, Martin, Alexander S. McDill, McLean, Merriam, Milliken, Mills, Moore, Morrison, Neal, Nesmith, Niblack, O'Brien, Orr, Packer, Hosea W. Parker, Isaac C. Parker, Pelham, Perry, Phelps, James H. Platt, jr., Poland, Potter, Randall, Ray, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Saylor, Schell, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Shields, Lazarus D. Shoemaker, Sloan, Sloss, J. Ambler Smith, Snyder, Speer, Standford, Stone, Storm, Straits, Strawbridge, Swann, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Vance, Waddell, Wells, White, Whitehead, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—148.

NOT VOTING—Messrs. Barnum, Barry, Creamer, Danford, Farwell, Freeman, Frye, George F. Hoar, Kendall, Killinger, Marshall, Maynard, McKee, Mitchell, Nunn, Phillips, Thomas C. Platt, Purman, Ransier, Sherwood, William A. Smith, Southard, Alexander H. Stephens, St. John, Charles R. Thomas, Walls, and Wheeler—27.

So the substitute was rejected.

During the vote,

Mr. SLOAN stated his colleague, Mr. FREEMAN, who was absent on account of sickness, would, if present, vote in the negative.

Mr. SOUTHARD said: Mr. Speaker, I am paired with my colleague, Mr. SHERWOOD, who is absent. He would vote "ay," and I would vote "no." I wish to state further I voted twice the other day on a question relating to this matter through mistake, when I was paired with Mr. SHERWOOD.

Mr. RANDALL stated that Mr. STEPHENS, of Georgia, who was compelled to leave the Hall, would, if present, vote in the negative. The vote was then announced as above recorded.

Mr. SPEER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

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

Mr. VANCE. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question then recurred on the adoption of Mr. SHANK's preamble, as follows:

Whereas it is essential to just government we recognize the equality of all men before the law, and hold it is the duty of government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political; and it being the proper object of legislation to enact fundamental principles into law: Therefore, &c.

Mr. POTTER. I should like to amend that preamble by adding the following sentence from the democratic platform:

4. Local self-government, with impartial suffrage, will guard the rights of all citizens more securely than any centralized power.

The SPEAKER. The amendment is not in order, as the previous question is still operating.

Mr. HYNES. The gentleman from Indiana said that preamble was adopted under duress. Can the House enforce that duress?

The SPEAKER. The Chair knows nothing of duress outside of the Hall.

Mr. SHANKS demanded the yeas and nays on the preamble.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 218, nays 26, not voting 45; as follows:

YEAS—Messrs. Albert, Albright, Archer, Ashe, Atkins, Averill, Banning, Barber, Barrere, Bass, Beck, Begole, Biery, Bland, Bradley, Buckner, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Caulfield, Cessna, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clayton, Clements, Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Co-

mingo, Conger, Cook, Corwin, Cotton, Cox, Crittenden, Crooke, Crouse, Crutchfield, Curtis, Darrall, Dawes, DeWitt, Dobbins, Donnan, Duell, Dunnell, Durham, Eames, Eden, Field, Fort, Foster, Garfield, Giddings, Glover, Gooch, Gunckel, Gunter, Hagans, Eugene Hale, Hamilton, Harmer, Benjamin W. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Herndon, E. Rockwood Hoar, Hodges, Holman, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lamar, Lampport, Lansing, Lawrence, Lawson, Leach, Lofland, Loughbridge, Lowe, Lowndes, Magee, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Mills, Monroe, Moore, Morey, Morrison, Myers, Negley, Niles, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phillips, Pierce, Pike, James H. Platt, jr., Poland, Potter, Pratt, Rainey, Randall, Rapier, Ray, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, James W. Robinson, Ross, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Shields, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Speer, Sprague, Standford, Starkweather, Charles A. Stevens, Storm, Stowell, Straits, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Vance, Waddell, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, White, Whitehead, Whitehouse, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—218.

NAYS—Messrs. Adams, Arthur, Bell, Berry, Blount, Bowen, Bright, Bromberg, Brown, Caldwell, Chittenden, Crossland, Davis, Eldredge, Hancock, Henry R. Harris, Hutton, McLean, Milliken, Nesmith, Read, Schell, Stone, William B. Williams, Ephraim K. Wilson, and John D. Young—26.

NOT VOTING—Messrs. Barnum, Barry, Creamer, Danford, Farwell, Finck, Freeman, Frye, Robert S. Hale, John T. Harris, George F. Hoar, Kendall, Killinger, Knapp, Lamison, Lewis, Luttrell, Lynch, Marshall, Maynard, Mitchell, Neal, Niblack, Nunn, Phelps, Thomas C. Platt, Purman, Ransier, Rusk, Milton Saylor, John G. Schumaker, Sherwood, Sloss, William A. Smith, Southard, Alexander H. Stephens, St. John, Walls, Wheeler, Whitthorne, Charles W. Willard, Willie, Wolfe, Wood, and Pierce M. B. Young—43.

So the preamble was adopted.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the preamble was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUTLER, of Massachusetts. I now call for the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

The question was on the passage of the bill.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 162, nays 99, not voting 28; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crouse, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lampport, Lansing, Lawrence, Lawson, Lewis, Loughbridge, Lowe, Lynch, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, Pike, James H. Platt, jr., Poland, Pratt, Rainey, Rapier, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Shields, Sheldon, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, Stowell, Strawbridge, Sypher, Taylor, Charles R. Thomas, Thompson, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—162.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Roderick R. Butler, Caldwell, Caulfield, Chittenden, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Crutchfield, Davis, DeWitt, Durham, Eden, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hereford, Herndon, Holman, Hutton, Knapp, Lamar, Lamison, Leach, Lofland, Lowndes, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Phelps, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Schell, John G. Schumaker, Sloan, Sloss, J. Ambler Smith, Speer, Standford, Alexander H. Stephens, Stone, Storm, Swann, Christopher Y. Thomas, Thornburgh, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—99.

NOT VOTING—Messrs. Barnum, Barry, Creamer, Danford, Farwell, Freeman, Frye, Havens, George F. Hoar, Kendall, Killinger, Marshall, Maynard, Mitchell, Nunn, Thomas C. Platt, Purman, Ransier, Ray, Sener, Sherwood, William A. Smith, Southard, St. John, Straits, Walls, and Wheeler—28.

So the bill was passed.

During the call of the roll the following announcements were made:

Mr. FARWELL. On this question I am paired with Mr. MITCHELL, of Wisconsin. If he were here he would vote "no," and I would vote "ay."

Mr. SOUTHARD. I am paired with my colleague, Mr. SHERWOOD. If here he would vote "ay," and I would vote "no."

Mr. SENER. On the final passage of this bill I am paired with the gentleman from South Carolina, Mr. RANSIER, who has been suddenly called home on account of the dangerous illness of a member of his family. If he were here he would vote "ay," and I would vote "no."

Mr. MCKEE. I desire to state that my colleague, Mr. BARRY, is detained from the House by illness. If he were here he would vote "ay."

Mr. GUNCKEL. My colleague, Mr. DANFORD, is absent under leave from the House by reason of sickness.

The result of the vote was then announced as above recorded.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CESSNA. I desire to make a request for unanimous consent. The battle is over and the result is before us in the shape of the passage of a modified bill. I ask unanimous consent, though not in accordance with my own votes, that we take from the Speaker's table the Senate bill and adopt this as a substitute for it.

Mr. SPEER. I object.

Mr. CESSNA. I make the proposition merely for the purpose of saving time.

Mr. RANDALL. It will not save any time. This bill will go over to the Senate and of course be passed at once.

#### HENNEPIN CANAL.

Mr. HAWLEY, of Illinois. I rise to a privileged question. I call up the motion to reconsider the vote by which the House postponed the consideration of the bill (H. R. No. 145) for the construction of a canal connecting the waters of Lake Michigan and of the Illinois, the Mississippi, and the Rock Rivers until to-morrow at one o'clock.

The question being taken on the motion to reconsider, there were—ayes 102, noes 71.

Mr. HOLMAN called for the yeas and nays.

Mr. GARFIELD. I hope the yeas and nays will not be insisted upon, and that the gentleman will allow me to go on with the appropriation bill.

Mr. SPEER. Certainly; I will agree to that.

Mr. YOUNG, of Georgia. I call for the regular order.

On the question of ordering the yeas and nays there were—ayes 26, noes 94.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 142, nays 82, not voting 65; as follows:

YEAS—Messrs. Albert, Averill, Banning, Barber, Barrere, Bass, Biery, Bradley, Bufington, Burleigh, Benjamin F. Butler, Roderick B. Butler, Cain, Cannon, Carpenter, Cason, Caulfield, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crutchfield, Darrall, Dobbins, Donnan, Duell, Dannel, Eames, Eldredge, Farwell, Field, Fort, Foster, Gooch, Hagans, Harmer, Benjamin W. Harris, John T. Harris, Harrison, Havens, John B. Hawley, Joseph R. Hawley, Hayes, John W. Hazelton, Hendee, Hereford, Herndon, Hodges, Houghton, Hubbell, Hurlbut, Hyde, Hynes, Kasson, Kelley, Knapp, Lansing, Lawrence, Lewis, Lofland, Loughbridge, Lowe, Lowndes, Lynch, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDongall, McNulta, Merriam, Moore, Morey, Myers, Negley, Nesmith, Niles, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pelham, Phillips, Pierce, Poland, Pratt, Rainey, Rapier, Ray, Richmond, James C. Robinson, Rusk, Sawyer, Schell, John G. Schumaker, Sessions, Sheets, Sheldon, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, Snyder, Sprague, Stanard, Standford, Alexander H. Stephens, Charles A. Stevens, Stone, Stowell, Straft, Strawbridge, Swann, Taylor, Charles K. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Townsend, Wallace, Jasper D. Ward, Wells, White, Whitehead, Whiteley, Charles G. Williams, John M. S. Williams, Williams Williams, Ephraim K. Wilson, and James Wilson—142.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Caldwell, John B. Clark, jr., Cook, Cox, Crittenden, Crossland, Curtis, DeWitt, Durham, Finck, Garfield, Giddings, Glover, Gunckel, Gunter, Robert S. Hale, Hamilton, Henry R. Harris, Hatcher, E. Rockwood Hoar, Holman, Hoskins, Hunter, Hulton, Lamar, Lawson, Leach, Magee, Milliken, Mills, Monroe, Morrison, Neal, Niblack, O'Brien, Hosea W. Parker, Parsons, Pendleton, Pike, Potter, Randall, Read, Robbins, Ellis H. Roberts, James W. Robinson, Henry B. Saylor, Scofield, H. Boardman Smith, John Q. Smith, Southard, Spear, Storm, Tyner, Vance, Waddell, Waldron, Whitehouse, Whitthorne, Charles W. Willard, Willie, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—82.

NOT VOTING—Messrs. Albright, Barnum, Barry, Bundy, Burrows, Chittenden, Clymer, Clinton L. Cobb, Comingo, Creamer, Crouse, Danford, Davis, Daves, Eden, Freeman, Frye, Eugene Hale, Hancock, Hathorn, Gerry W. Hazelton, George F. Hoar, Hooper, Howe, Kellogg, Kendall, Killinger, Lamison, Lamport, Luttrell, Marshall, Maynard, McKee, McLean, Mitchell, Nunn, Perry, Phelps, James H. Platt, jr., Thomas C. Platt, Purman, Ransier, William R. Roberts, Ross, Milton Saylor, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sherwood, Sloss, J. Ambler Smith, William A. Smith, Starkweather, St. John, Sypher, Todd, Tremain, Wallis, Marcus L. Ward, Wheeler, Wilber, George Willard, William B. Williams, and Woodworth—65.

So the motion to reconsider the vote postponing the bill was agreed to.

The question recurred on the motion to postpone; and being put, it was not agreed to.

The SPEAKER. That brings the Hennepin Canal bill before the House.

Mr. GARFIELD. I now ask the gentleman from Illinois [Mr. HAWLEY] to yield to me to allow me to go on with the appropriation bills.

Mr. HAWLEY, of Illinois. If I yield to the gentleman will the bill come up to-morrow?

The SPEAKER. It is now before the House, subject of course to the House going into Committee of the Whole or to any other privileged business.

Mr. HOLMAN. Can this business be postponed except by unanimous consent, so as to have control of the House to-morrow?

The SPEAKER. It must have control of the House as unfinished business to-morrow.

Mr. SMITH, of New York. May it not be postponed to-morrow to make way for a privileged question, if a majority of the House so determine?

The SPEAKER. Yes; a majority of the House, of course, can do anything.

Mr. ELDREDGE. What legislative day is this?

The SPEAKER. It is Thursday.

Mr. ELDREDGE. This is Thursday, is it? I was induced to withdraw my objection to dispensing with the reading of the Journal with the express understanding that the House was to adjourn at noon, and I desire, if I can now do so, to withdraw that objection. The Speaker gave me to understand that if I persisted in my demand for the reading of the Journal, the House could not adjourn at noon.

The SPEAKER. The Chair was of the opinion that the House would adjourn and ought to adjourn at twelve o'clock, but the gentleman who was entitled to the floor refused to yield for a motion to adjourn.

Mr. ELDREDGE. I withdrew the objection with the express understanding that the House would adjourn, or I should have insisted on the reading of the Journal.

The SPEAKER. Well; the gentleman has lost nothing. The Journal will be read when the House meets again.

Mr. ELDREDGE. If the Journal is to be read when the House next meets, of course I have nothing further to say about it.

The SPEAKER. O, undoubtedly; the Journal will all be read.

#### NATIONAL BANK AND BANK EXAMINERS.

The SPEAKER appointed as the conferees on the part of the House on the conference ordered on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 3825) to amend the national-bank act and fixing the compensation of national-bank examiners, Mr. MAYNARD, Mr. MERRIAM, and Mr. DURHAM.

#### ORDER OF BUSINESS.

Mr. GARFIELD. I desire now to call up the legislative, executive, and judicial appropriation bill, with the amendments of the Senate thereto; and I desire to say that two or three changes have been made in the printed report of the committee, which are marked upon the copy of that report which I send to the Chair.

I desire to say further that I hope the House will remain long enough in session first to dispose of the amendments to this bill and to the consular bill, to which the amendments of the Senate are immaterial, and which I think can be disposed of by one vote. I ask the House then to pass the pension appropriation bill to-day. That will not take more than five or six minutes, and it will give the Senate something to work upon.

Mr. RANDALL. I join cordially in the suggestion of the gentleman from Ohio, that we dispose of these three bills to-day.

Mr. GARFIELD. Before calling up the legislative, &c., bill, I yield to my colleague on the Committee on Appropriations from Maryland, [Mr. SWANN], who has charge of the consular appropriation bill.

#### CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SWANN. The Committee on Appropriations recommend concurrence in all the amendments of the Senate to the consular and diplomatic appropriation bill; and I move that they be concurred in. The motion was agreed to.

Mr. SWANN moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LEAVE OF ABSENCE TO A COMMITTEE.

Mr. GARFIELD. Before proceeding further, I ask leave of absence for the Committee on Appropriations to-morrow, as they desire to visit some of the public buildings.

Mr. RANDALL. If the Committee on Appropriations has no business to bring before the House to-morrow, why not adjourn till Monday?

Mr. GARFIELD. That is a question that will come up by itself. Mr. HOLMAN. There can be no objection to granting the committee leave of absence.

No objection was made; and the leave was granted.

#### LEGISLATIVE, ETC., APPROPRIATION BILL.

The House proceeded to the consideration of the amendments of the Senate to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes.

The recommendations of the Committee on Appropriations were concurred in without division, except in the following cases:

The third amendment of the Senate was as follows:

Clerk to the Committee on the Judiciary, \$2,220.

The Committee on Appropriations recommended non-concurrence.

Mr. RANDALL. I would ask the gentleman from Ohio [Mr. GARFIELD] why we should not concur in this amendment, as it pertains entirely to the Senate?

Mr. GARFIELD. The Senate, by their amendments, have cut down the salaries of a number of the clerks of the House. They have also raised the salaries of a number of their own clerks. We desire to non-concur in all of those amendments.



Mr. RANDALL. So that you may have something to wrestle about.  
 Mr. ELDREDGE. The committee in their report on the Senate amendments, numbered from 1 to 90, recommend concurrence in some and non-concurrence in others. In their report there is not one word to indicate what those amendments are. And unless gentlemen upon this floor have had more opportunity than I have had—

Mr. GARFIELD. The bill with the Senate amendments numbered has been printed.

Mr. ELDREDGE. That all may be. But I rise simply to state this proposition; I suppose it has been stated a thousand times before, and perhaps every member of the House feels as I do about it. There is no legislation under heaven so vicious as that of concurring in amendments made under circumstances like those here suggested.

No member can understand anything about them unless he is familiar with the bill. The House is obliged to rely entirely upon the confidence they repose in the gentleman who makes the recommendation. The amendment was non-concurred in.

When the fifteenth amendment of the Senate was reached,

Mr. GARFIELD said: In order to save time, I would suggest that the amendments of the Senate numbered from 15 to 21, relating as they all do to the clerks of the House, be non-concurred in, as recommended by the Committee on Appropriations.

Mr. HOLMAN. I think we should take a vote upon the seventeenth amendment.

Mr. GARFIELD. Very well; have a vote on that.

Mr. HOLMAN. I would ask that a vote be taken upon the amendments of the Senate the effect of which is to reduce the appropriations here made for the salaries of the clerks of the House.

The SPEAKER *pro tempore*, (Mr. CESSNA.) Does the Chair understand the gentleman to ask for a separate vote on these amendments?

Mr. HOLMAN. I desire a vote on the amendments of the Senate reducing the appropriation made by the bill as it passed the House for paying certain clerks. I am in favor of concurring in the amendments of the Senate. By the bill as it passed the House we increase the amount allowed by law to certain clerks of the House, the journal clerk, the tally clerk, and others. The effect of the Senate amendments is to reduce those appropriations to the amount fixed by law for the salaries of those clerks. I insist for myself that the amendments proposed by the Senate, being in conformity to law, should be concurred in by the House.

The SPEAKER *pro tempore*. To what amendment does the gentleman refer?

Mr. HOLMAN. I refer to the amendment No. 17. The language of this bill as it passed the House was as follows:

Clerk of the House of Representatives, \$4,320; officer charged with disbursing the contingent fund, \$576; chief clerk and journal clerk of the House, while such positions are held by the present incumbents, and no longer, \$3,600 each; two reading-clerks, assistant journal clerk, and tally clerk, \$3,000 each; four assistant clerks, at \$2,592 each, &c.

The Senate have stricken out after the words "two reading clerks assistant journal clerk, and tally clerk" the amount appropriated by the House, \$3,000, and have inserted \$2,592, the amount provided by law. Now I propose that the House concur in this amendment of the Senate, so as to make the appropriation correspond to what the law is for this purpose.

Mr. GARFIELD. One word in answer to the gentleman. I was opposed to putting up these salaries as was done at the last session. But as the gentlemen on the other side of the House are more interested in this particular question than I am, I shall vote with the gentleman from Indiana to concur in the Senate amendment. My own impression is that it was relatively unjust to put these salaries up; but in obedience to the action of the majority of the House, I have recommended non-concurrence. In the new departure which the gentleman proposes I will follow him, and I hope this side of the House will allow this amendment of the Senate to be concurred in.

Mr. LAMISON. I would inquire of the chairman of the Committee on Appropriations whether, in making this reduction of the salaries of the clerks of the House, the Senate has reduced the salaries of the House clerks below those of the Senate clerks?

Mr. GARFIELD. They have done two things. They claim that we have put the salaries of our clerks up above the corresponding clerks of the Senate. By their amendments they have put the salaries of our clerks down to the old rate, and have put the salaries of their clerks up to our figures; so that if we non-concur in one amendment they will insist upon the other. The position of the Senate is this: We must either put up the salaries of their clerks to correspond to the amounts which we have given to our clerks, or we must put down the salaries of our clerks to the level of the salaries of their clerks at present.

Mr. LAMISON. I hope that whatever may be done by the committee of conference which may be appointed upon this bill, the salaries of the clerks of this House will at least be equalized with those of the clerks of the Senate. I believe the clerks of the House are entitled to as much for their services as are the clerks of the Senate. I think their duties are as arduous, and that they perform as much labor in a given time or indeed much more than the clerks of the Senate. Whatever else may be done, I think their salaries should be at least equal to the salaries of the clerks of the Senate, and that there should be no distinction in that respect between the two Houses.

Mr. GARFIELD. The proposition of the gentleman from Indiana

is to cut down the salaries of our clerks to where the Senate clerks now are. If that does not prevail, I do not see how we can resist the proposition to put the salaries of the Senate clerks up to where we have put the salaries of our clerks.

Mr. STARKWEATHER. There was something of a contest over this matter last year, and after full discussion I think the House was satisfied that we did the right thing at that time. I have generally been opposed to the increase of salaries, and on all occasions, with these exceptions, have voted to keep salaries as they were. Now, it is true that the clerks here—for instance, the principal reading clerk, Dr. Mahaffey—get less than is paid in the Senate to clerks of a lower grade; while everybody knows that in this large House, where we sometimes sit all night and call the yeas and nays forty or fifty times at a single session, the work is much harder than in the Senate. In fact, no work of this kind can be harder than that performed in this House by our clerks. I think that what we have seen during the last few weeks shows that these men earn their money; and it is only fair play and common honesty that they should receive the compensation originally fixed by us in this bill. In other cases, where men render little service, I would agree to a reduction of salaries; but I think we must all admit these clerks earn their money.

Mr. HOLMAN. Did not the gentleman vote for the repeal of the provisions of the legislative appropriation act of March 3, 1873, by which the salaries of clerks were increased?

Mr. STARKWEATHER. I have not voted for the increase of the salaries of any clerks except those I have designated; and I did that because I believed they earn their money. I am willing to stand on that position. If all our constituents had been here recently and had seen the labor performed by these men day after day and night after night, when we were all tired and had to go to our homes or lie down on the lounges here, while these clerks were compelled to go through their wearying labor, I think they would all agree that these gentlemen earn the money we have appropriated for them in this bill.

A MEMBER. This is for the next year.

Mr. STARKWEATHER. No matter whether it is for this year or next year. The men who may succeed those now in these positions will perform the same work and ought to have the same pay.

Mr. RANDALL. As the Senate has raised the salaries of its clerks, I do not think it ought to have cut down the salaries of ours. Now, when any general proposition is presented for a 10 per cent. reduction that shall apply to every officer of the Government whose salary can constitutionally be reduced, I will, in view of the hard times, vote for such a reduction.

Mr. STARKWEATHER. So will I.

Mr. RANDALL. But I do say that it is improper and invidious to strike at the officers named in this amendment and nobody else. They are worthy men; they fully earn the amount awarded to them. They have to maintain a character of respectability; they must be men of integrity; and the salary is not one dollar too much. But if the policy of a general reduction of official salaries 10 per cent. shall be adopted, then let them come in with the rest. I hope that this question will be permitted to go to a committee of conference, so that at least there may be some proper adjustment of the salaries in the two bodies.

Mr. HOLMAN. I hope that no gentleman on either side of the House will consent that the question as to what party may control this House hereafter shall have any influence in the decision of the question. We have fixed by law the salaries of these clerks. In the repealing act which public sentiment compelled us to enact we left these salaries at \$2,592. We are not responsible for the action of the Senate. They have reduced the appropriation for clerical salaries in this House to what the law is, while they have increased the salaries of clerks in their own body beyond what the law has fixed. What I ask is that we concur in their action reducing the salaries of the clerks of this House to the sum paid by law, and that we non-concur in the proposition to increase the salaries of Senate clerks; and then let the question go to a committee of conference.

Mr. GARFIELD. I call the previous question on agreeing to this amendment.

The previous question was seconded and the main question ordered.

Mr. COX. I move that the House adjourn. I want an opportunity between now and to-morrow morning to examine these amendments, some sixty in number.

A MEMBER. Ninety.

Mr. COX. We have been here now six hours and a half, and I think it is time we should adjourn.

The motion to adjourn was not agreed to.

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

Mr. RANDALL. I appeal to the gentleman from New York [Mr. Cox] to withdraw that motion until we finish this bill.

The motion was not agreed to; there being yeas 32, noes not counted.

Mr. GARFIELD. If the members will remain here for thirty minutes more, we can finish this bill.

The question being taken on concurring in the amendment, it was concurred in.

The twenty-fifth amendment was read, as follows:

In the paragraph making appropriations for contingent expenses of the State Department, strike out the following:  
 For repairs, \$4,000.

Mr. GARFIELD. The committee recommend non-concurrence in this amendment. We at first recommended concurrence; but the Secretary of State showed the committee conclusively that upon the Department going into the new building it would be absurd to suppose that so large a building would not need some small alterations and repairs to put it in order.

The amendment was not concurred in.

The twenty-sixth amendment of the Senate was read, as follows:

Strike out "twenty-one" and insert "seventeen;" so it will read:  
And for miscellaneous items, not included in the foregoing, \$6,250; in all, \$17,570.

Mr. GARFIELD. The Committee on Appropriations recommend concurrence in that amendment of the Senate by striking out the words "twenty-one" and "seventeen," in line 379, and inserting the following:

For publishing in newspapers the laws passed at the second session of the Forty-third Congress, \$50,000; in all, \$71,000.

I desire to explain that amendment. At the last session of Congress the Committee on Appropriations made no appropriation for publishing the law in newspapers during the present session of Congress, forgetting that the law then repealed did not cease to act until the 4th of March next. When we passed the bill last year we thought the law requiring the publication of the laws in the newspapers was to terminate at the end of the last fiscal year, when in fact it does not terminate till the end of this Congress. The publication under the law, therefore, in the newspapers must go on until the end of this Congress; and it is necessary to make this appropriation to pay for that publication.

Mr. WILLARD, of Vermont. Are those laws now being published in the newspapers?

Mr. GARFIELD. They are.

Mr. WILLARD, of Vermont. Under what authority?

Mr. GARFIELD. Under the authority of the law requiring the Secretary of State to publish them in newspapers. That law has been repealed to take effect on the 3d of March next, at the end of the present Congress.

Mr. WILLARD, of Vermont. They have to be published for this Congress.

Mr. GARFIELD. Certainly.

Mr. RANDALL. I should like to understand exactly what this amendment is.

Mr. GARFIELD. It appropriates \$50,000 for the publication of the laws for the second session of this Congress up to the 4th of March next.

Mr. RANDALL. It does not belong here.

Mr. GARFIELD. It does, because this is under the State Department. It is one of the estimates which came from the Department of State. It is important that it should be passed immediately, as he has been publishing the laws in the newspapers for a month.

Mr. RANDALL. It does not belong here. The Senate have sent amendments to the bill, sent to them from this House, and on the amendments from the Senate it is not proper for us to insert entirely new and different matter.

Mr. GARFIELD. It is perfectly proper, technically, because there is an amendment of the Senate here, and we propose to concur in that amendment by adding this appropriation of \$50,000 for the publication of the laws in newspapers. It is under the heading of miscellaneous items. It is precisely where we should put it if the estimate from the State Department had come in time.

Mr. SPEER. Is this for publishing the laws of this session in the newspapers?

Mr. GARFIELD. It is for publishing the laws passed at this session in the newspapers under the law, which does not expire till the end of this session.

Mr. RANDALL. This is an appropriation bill for the year beginning July 1, 1875, and ought not to include an appropriation for a period preceding the 4th of March, 1875.

Mr. SPEER. How, then, can the appropriation in this bill be made available if it is to pay for publication of laws before the 1st of July next?

Mr. GARFIELD. By its very terms it provides for the publication of the laws at this session of Congress.

Mr. SPEER. I thought we were through with this nuisance of publishing the laws in the newspapers.

Mr. GARFIELD. I voted against it, but we must pay for this publication as long as the law provides for it.

The amendment was again read.

Mr. SPEER. Does not the law allow the Clerk to select the newspapers in which the publication is to be made?

Mr. GARFIELD. It does.

Mr. RANDALL. The gentleman from Ohio says that the last appropriation bill contained no appropriation for this object.

Mr. GARFIELD. It did for the publication of the laws of the last session, but not for the publication of the laws of this session, as it was believed at that time that the law then expired, instead of continuing up to the 4th of March next. There is now no appropriation whatever to pay for carrying into effect the law requiring the laws of this session to be published in the newspapers.

Mr. RANDALL. Then this specifies what it is for.

Mr. GARFIELD. It simply carries out the law to the end of this Congress, when the law by its own terms is repealed.

Mr. SPEER. Does not this in a measure re-enact the old law?

Mr. GARFIELD. No; it only provides for the publication of the laws of the second session of the Forty-third Congress, at the end of which the repeal is to take effect requiring that publication.

Mr. RANDALL. If these laws have not been published and we make no appropriation for it, does not that end the whole thing?

Mr. GARFIELD. No.

Mr. SPEER. If we do not appropriate then they will not be published.

Mr. GARFIELD. They are being printed, and the bills for the work will come in at the next Congress. If we do not appropriate for it here it will come up in a deficiency bill. I have tried for years to stop this thing, but this appropriation is necessary to carry out the law now upon the statute-book.

Mr. WILLARD, of Vermont. I will read from the law:

For publishing the laws of the first session of the Forty-third Congress in pamphlet form and in newspapers, \$86,000: *Provided*, That after the 4th of March, 1875, the publication of the laws in the newspapers shall cease.

There was then no appropriation made for the publication of the laws of this session.

Mr. GARFIELD. That is true, and it shows the necessity for the amendment of the committee.

Mr. O'BRIEN. What would be the effect if this appropriation were not made now?

Mr. GARFIELD. We should have to provide it at another time as a deficiency.

The question being taken, the amendment was concurred in with the amendment proposed by Mr. GARFIELD.

The thirtieth and thirty-first amendments were read, as follows:

Strike out the words:

And so much of the act entitled "An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved August 6, 1846, and of all other acts and parts of acts authorizing the office of assistant treasurer of the United States at Charleston, South Carolina, is hereby repealed from and after the 30th day of June, 1875.

And insert as follows:

Office of assistant treasurer at Charleston, South Carolina:  
For assistant treasurer, \$4,000; one clerk, \$1,500; one clerk, \$1,600; one assistant messenger, \$720; and two watchmen, at \$720 each; in all, \$9,560.

Mr. RAINEY. I see that the committee recommend non-concurrence in these amendments. I desire to ask the chairman of the Committee on Appropriations what is their reason for recommending non-concurrence?

Mr. GARFIELD. The words which the Senate in their amendment propose to strike out repeal the acts and parts of acts which authorize the office of assistant treasurer of the United States at Charleston. The Senate strike that out and insert another clause making an appropriation for that office. The Committee on Appropriations proposed to repeal the laws authorizing the office because the reports from the Treasury Department showed that there was not a sufficient amount of work to be done, of fiscal agency to be carried on there, to warrant the keeping up of the independent treasury at Charleston. The work could be done as well without that machinery as with it. And under the advice obtained at the Treasury Department the Committee on Appropriations thought it best to repeal the law establishing the independent treasury at Charleston. The Senate have put that back and we recommended non-concurrence.

Mr. RAINEY. I am very sorry the committee has taken this view of the matter, for I think this office ought to be retained. The Charleston post-office and all the smaller post-offices of the State make their deposits in the sub-treasury at Charleston. At this sub-treasury all the financial business of those post-offices is transacted with the Treasury here. I have been informed that if this office is abolished it will create quite an inconvenience to the post-office service at Charleston, and in their manner of doing business and making remittances to the Treasury here. And why the Secretary of the Treasury, a new incumbent of the office, should see fit to make this recommendation to abolish this office I cannot possibly see.

Mr. FORT. He does so because it does not pay.

Mr. GARFIELD. Let us vote.

The question being put, the amendments of the Senate were non-concurred in.

The thirty-second amendment of the Senate was read, as follows:

In line 791 insert these words, "for one clerk, \$1,500."

Mr. GARFIELD. This amendment and the amendments numbered 33, 34, and 35, relate substantially to the same thing. They all go to increase the force of the assistant treasurer at Chicago. The Committee on Appropriations recommend non-concurrence.

The question being taken, the thirty-second, thirty-third, thirty-fourth, and thirty-fifth amendments were non-concurred in.

Mr. ROBBINS. I do not think there is a quorum, and there are ninety of these amendments to be considered. The House is not in a condition to consider them properly. We have been here now seven or eight hours, and I move that the House adjourn.

Mr. GARFIELD. I hope we will be allowed to finish the bill. It will only take a little while.

Mr. ROBBINS. I desire to test the sense of the House on my motion as well as to ascertain if there is a quorum present.

The question being put, the Speaker declared that the "noes" had it.

Mr. ELDREDGE. Let us have a division. We have been here long enough. Everybody is tired out.



The House divided; and there were—ayes 31, noes 80.

Mr. ELDREDGE. I believe a quorum has not voted.

The SPEAKER. It does not require a quorum to adjourn.

Mr. ELDREDGE. It requires a quorum to go on with business.

The SPEAKER. Does the gentleman raise that question?

Mr. ELDREDGE. I do.

Mr. GARFIELD. I hope the gentleman will not make that point. I ask the House to stand by the committee and finish this bill. We can test the presence of a quorum by the next vote on the bill.

Mr. ELDREDGE. If the understanding is that we shall adjourn over until Monday after this bill is disposed of, I do not object.

Several MEMBERS. O, no.

Mr. ELDREDGE. We have been in session long enough. Civil rights should be enough for one day.

The SPEAKER. The gentleman from Wisconsin can test the question on the first issue raised in the bill.

The thirty-sixth amendment of the Senate, under the head of "Mint at Philadelphia," was read, as follows:

Strike out "\$225,000" and insert "\$250,000," so that it will read "for wages of workmen and adjusters, \$250,000."

The committee recommended non-concurrence.

Mr. ELDREDGE. I demand a division.

The question being put on concurring in the amendment of the Senate, there were—ayes 13, noes 78.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Ohio, Mr. GARFIELD, and the gentleman from Wisconsin, Mr. ELDREDGE.

The House again divided; and the tellers reported—ayes 2, noes 142.

The SPEAKER. The Chair votes in the negative, his vote making a quorum, and the amendment is non-concurred in.

Mr. GARFIELD. If the gentleman will hold on for fifteen minutes we will finish this bill.

ROBERT TANSILL.

Mr. RANDALL. I ask that by unanimous consent I may offer a resolution for the return from the Senate of a bill in the engrossment of which there has been a mistake. I offer the following resolution:

*Resolved*, That the Clerk be directed to request the return from the Senate of the bill of the House No. 3780 to relieve the political disabilities of Robert Tansill, of Prince William County, Virginia, that an omission in the engrossment may be supplied.

There was no objection, and the resolution was agreed to.

#### LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD. The next three amendments propose to increase the expenses of the mint and assay office at San Francisco.

Mr. PAGE. I would like to ask the gentlemen the reason why he proposes to cut down this appropriation.

Mr. GARFIELD. For the reason that this is an increase in the appropriation made, and the Committee on Appropriations are satisfied that it is not a necessary increase.

Mr. PAGE. How much is the increase?

Mr. GARFIELD. I cannot tell the gentleman exactly; but if the action of the House be unjust to any one, sufficient reasons can be given to the committee of conference to overcome it.

Mr. MERRIAM. I will state a fact which ought to have some bearing, if not upon the House, on the committee of conference. I will state that under the appropriation bill of last year more than one-third of these double-eagles which we have been at the expense of making were exported and melted down for recoinage. They do that instead of taking our gold bars for exportation; and I protest in the name of the American people against this expense as being wholly unnecessary.

Mr. GARFIELD. I am willing to pay all the necessary expenses of these mints, but I think this is an unnecessary expense, and that the amount proposed by the Committee on Appropriations is sufficient.

Mr. HOUGHTON. This has no relation to the coinage of gold.

Mr. GARFIELD. I know that. It relates to the coinage of silver. The amendment is for the purpose of enabling the Secretary of the Treasury to increase the coinage of trade-dollars at the mints.

Now, sir, the present facilities of the mints are insufficient to meet the wants of trade. We have not a sufficient quantity of these trade-dollars to meet the demands to pay for merchandise from China and the East Indies. We have to send to Mexico for gold. I ask for a vote on the amendment.

The question was taken; and the amendment of the Senate was non-concurred in.

Mr. GARFIELD. I now ask the Clerk to read the forty-fourth and forty-fifth amendments of the Senate.

The Clerk read as follows:

For fuel, crucibles, chemicals, repairs, and other necessities, \$1,000.

Assay office at Charlotte, North Carolina:

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

The Committee on Appropriations recommended non-concurrence.

Mr. ASHE. I hope the House will not non-concur in the amendment in relation to the mint at Charlotte, North Carolina, which I believe is the forty-fifth amendment.

Mr. GARFIELD. If the gentleman desires a separate vote on that

amendment, I shall not object to that, although we have repeatedly passed upon that question.

Mr. ASHE. I hope the House will concur in the amendment of the Senate. It is true that by the last report we have from the assay office this mint does not appear to be of much value; but, Mr. Speaker, at the same time the gold is there, although the mines have not been worked of late as heretofore.

This mint was established in the year 1838, and from that time till 1861 about \$5,000,000 of gold were coined there from the productions of those mines, while, during the same time, something over \$5,000,000 from the same source were coined at the mint at Philadelphia, making between ten and eleven millions of gold coined from the productions of these mines.

Well, sir, the veins of these old mines are still there unexhausted, and will be worked with profit as well as other mines developed, as soon as we can command capitol and labor.

Mr. WILSON, of Indiana. Are they taking any gold out of those mines now?

Mr. ASHE. Yes, sir; they are working some of those mines now.

Mr. WILSON, of Indiana. How much gold are they taking out?

Mr. ASHE. It is estimated that they will get out this year from one hundred and fifty to one hundred and seventy-five thousand dollars in gold.

Mr. WILSON, of Indiana. How much minting has been done in Charlotte during the last fifteen years?

Mr. ELDREDGE. "There are millions in it."

Mr. WILSON, of Indiana. But millions do not come out of it; that is the trouble.

Mr. ASHE. They have not coined any there since 1861; it has been only an assay office. These old mines, rich in gold, are still open. All we want is capital to get the gold out of them. More than that, they are continually discovering other mines rich in gold.

Mr. WILSON, of Indiana. What you need, then, is an appropriation to carry on the mines rather than to carry on an assay office.

Mr. ASHE. We want an assay office there to ascertain the value of the gold taken from the mines there, and to act as an arbitrator between the producer of the gold and the buyer of the gold, and not be under the necessity of sending the gold to Philadelphia to be assayed.

Mr. MERRIAM. It would be cheaper to pay for sending the gold to Philadelphia or to New York.

Mr. GARFIELD. Now let us have a vote.

Mr. ASHE. I am not quite done.

Mr. GARFIELD. I thought the gentleman had concluded.

Mr. ASHE. Not quite yet. Further than that, this Congress has recently passed what is called the new financial bill, under the operation of which specie is to be distributed throughout the country. I hold in my hand a letter from the Director of the Mint, in which he says that he thinks this assay office should be maintained at Charlotte, and that for the distribution of silver under the new financial bill it will be one of the most suitable positions in the South. I ask the Clerk to read the letter.

The Clerk read as follows:

TREASURY DEPARTMENT,  
OFFICE OF THE DIRECTOR OF THE MINT,  
January 21, 1875.

DEAR SIR: I am in receipt of your favor of yesterday requesting my opinion as to the propriety and policy of continuing the assay office at Charlotte, North Carolina, and whether Charlotte would not be one of the most suitable points in the South for the distribution of specie under the provisions of the finance bill recently passed by Congress.

As to the inquiry respecting the continuing of assay facilities at Charlotte, I reply that although the gold production of that section is quite limited at present, producers would feel very sensibly the discontinuance of United States assays at that point. The producers of bullion in that locality are, as a general thing, men with very limited means, and are compelled to sell their bullion at home and cannot await returns from Philadelphia or New York.

The assay office being established and in successful operation at an annual expense of only \$4,500, and which sum does not much exceed the amount which would be required for the care and preservation of the premises, it would in my opinion be as well to continue the office.

To your second inquiry, I reply that Charlotte would in my opinion be one of the most suitable and convenient points in the South for distributing silver coin.

Very respectfully,

H. R. LINDERMAN,  
Director of the Mint.

HON. THOMAS S. ASHE,  
House of Representatives.

Mr. HOLMAN. I wish to ask my friend from North Carolina [Mr. ASHE] whether this same Director of the Mint has not reported to the present Congress that the amount of bullion received at the assay office at Charlotte during the last year was about \$8,000, but little more than the amount paid for salaries there?

Mr. GARFIELD. Certainly.

Mr. ASHE. That is in consequence of the stringency of the money market, the depression of the industries of the country, and the want of labor and capital. As soon as we get them, these mines will be reopened and worked. And there are new mines and rich mines continually being developed. The chairman of the Committee on Appropriations [Mr. GARFIELD] I am afraid has some prejudice against the name of this assay office.

Mr. GARFIELD. O, no.

Mr. ASHE. I conclude so from some remarks that fell from him at the last session of Congress. Charlotte is an honored name in history.

The place is not named after Charlotte Corday, the assassin of Marat; but after one of the most amiable princesses of England. I hope the gentleman will dismiss any prejudice he may have on account of the name.

Mr. GARFIELD. I have no prejudice whatever against the name. I call for a vote.

The question was taken on concurring in the amendment of the Senate; and upon a division there were—ayes 41, noes 57; no quorum voting.

Mr. WILSON, of Indiana. I move that the House now adjourn.

Several MEMBERS. O, no.

Mr. WILSON, of Indiana. I withdraw the motion.

Mr. ELDREDGE. I renew the motion.

Mr. YOUNG, of Georgia. And pending that motion, I move that when the House adjourns to-day it be to meet on Monday next.

Mr. GARFIELD. It is perfectly clear to my mind that the House is unwilling to go on with this appropriation bill now, and I will myself make the motion to adjourn.

Mr. ELDREDGE. No such thing is perfectly clear. The gentleman knows it is not true.

Mr. GARFIELD. I decline to allow the gentleman to stand up here and say that I know anything is not true that I have said.

Mr. ELDREDGE. I say—

Mr. GARFIELD. I call the gentleman to order. I demand the protection of this House for myself and for others against this habit. It is one I will not allow.

Mr. ELDREDGE. The gentleman knows perfectly well that it is not true that there is any unwillingness to consider the appropriation bills, or to antagonize them.

Mr. GARFIELD. I did not say any such thing. I said it was perfectly manifest that the House was not willing to go on with the appropriation bills to-night.

Mr. ELDREDGE. We have sat here from ten o'clock this morning till now, five o'clock.

Mr. GARFIELD. I expressed my regret at the disposition of the House. I rose and said that it was manifest the House was unwilling to proceed with the appropriation bills to-night.

Mr. ELDREDGE. The House has sat here with perfect patience since ten o'clock this morning.

Mr. GARFIELD. I do not yield. I said that I would move to adjourn because it was manifest the House was not willing to continue the consideration of the appropriation bill to-night; and a member rises in his place and says that "the gentleman from Ohio knows that that is not true."

Mr. ELDREDGE. The gentleman did not say that the House was unwilling to go on with the appropriation bills to-night; he said the House was not willing to go on with the appropriation bills.

The SPEAKER. It is perfectly apparent that there is a mutual misunderstanding between the gentlemen—an entire misunderstanding. The gentleman from Ohio made the remark which he has just stated; and the Chair thinks the gentleman from Wisconsin misunderstood him.

Mr. ELDREDGE. I understood the gentleman from Ohio to say that there was a disposition not to consider the appropriation bills. I say that it is not true.

The SPEAKER. The gentleman did not say so. The Chair thought the gentleman from Wisconsin was under a misapprehension.

Mr. GARFIELD. I simply remarked that the House was unwilling to go on with the appropriation bills to-night.

The SPEAKER. The gentleman from Wisconsin was "ruling on a hypothetical case."

Mr. ELDREDGE. I am only speaking of what I understood the gentleman to say. He appears to be very sensitive on the point. I take nothing back.

Mr. GARFIELD. And I stand by my words.

The SPEAKER. The question is on the motion to adjourn.

Several MEMBERS. Oh, no; let us finish the bill to-night.

Mr. BUTLER, of Massachusetts. We on this side can control the House.

Mr. GARFIELD. I withdraw the motion to adjourn.

Mr. STANDIFORD. I renew the motion.

The motion was not agreed to.

Mr. ELDREDGE. It is now perfectly apparent that the House wants to consider the appropriation bill.

Mr. RANDALL. If the House does not get through the bill to-day, it will go over till Tuesday.

Mr. ASHE. I call for tellers on the amendment.

The SPEAKER. There was no quorum voting. The Chair orders tellers, and appoints the gentleman from Ohio, Mr. GARFIELD, and the gentleman from North Carolina, Mr. ASHE.

The House divided; and the tellers reported, ayes 65, noes not counted.

So the amendment was not concurred in.

The forty-sixth and forty-seventh amendments were read, as follows:

In the appropriations for the Territory of Utah, insert the following: For legislative expenses, namely, for compensation and mileage of members of the Legislative Assembly, officers, clerks, and others, \$23,400; and this appropriation may be used, under the direction of the Department of Justice, to defray the judicial expenses of the supreme and district courts of said Territory; and the amount so used shall be reimbursed to said appropriation out of the treasury of said Territory; and, until said reimbursement shall be fully made, no member or

officer of said Legislative Assembly shall be entitled to any compensation or allowance out of any moneys of the United States.

Strike out "\$1,600" as the aggregate amount of appropriations in the paragraph and insert "\$25,000."

Mr. GARFIELD. Part of that amendment ought to be agreed to, and a part, the committee think, should not be.

Mr. ELDREDGE. I would like to know the purpose of the amendment.

Mr. SPEER. I hope the House will never agree to it.

Mr. ELDREDGE. It looks to me as though it was intended as a bribe to coerce the action of the Territory.

Mr. GARFIELD. The portion of the amendments providing for the expenses of the territorial Legislature ought of course to be agreed to. We should have inserted that appropriation if the estimate had been here in time. The Senate has, however, added a clause which we have not seen sufficient ground to concur in. We therefore recommend non-concurrence.

Mr. SPEER. I hope the committee of conference will never agree to concur in that last provision.

Mr. ELDREDGE. Why should it be provided that no officer shall be paid until reimbursement be made by the Territory? Why should a public officer be deprived of his salary because some other person does not do what he ought to do?

Mr. SPEER. It is a most extraordinary provision.

Mr. ELDREDGE. A most infamous provision.

The SPEAKER. The House cannot do anything more than non-concur in the amendment.

Mr. SPEER. And I hope the committee of conference appointed by the House will insist on non-concurrence.

The amendment was not concurred in.

The eighty-third amendment of the Senate was read, as follows:

In the paragraph appropriating \$11,900 for compensation of district marshals of the United States, strike out the following: *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 prohibit 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. 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; 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 officer.

Mr. GARFIELD. We recommend non-concurrence in this amendment.

Mr. SPEER. I think the amendment should be concurred in. The law as it now exists does not allow anything but actual traveling expenses to any person in the service of the Government. The House has attempted to modify that provision so as to allow mileage instead of actual traveling expenses for marshals. The Senate has struck out the amendment of the House, and left the law just as it is, so that all persons in Government employ shall be paid merely their actual traveling expenses. The attempt on the part of the House is to restore mileage, a system which has been very much abused and has led to very large expenditures on the part of the Government, which were never intended by Congress.

Mr. HURLBUT. The proposition is to allow only actual mileage.

Mr. SPEER. It is true it is provided that there shall be no constructive mileage; but the law passed by Congress only a year or two ago provides that all persons in the employ of the Government shall be paid only their actual traveling expenses. It seems to me that that is sufficient. I hope the House will not sustain the recommendation of the committee.

Mr. GARFIELD. I will say only a word. It was shown clearly in the debate heretofore had upon this question in the House that the law in regard to marshals gave them mileage as a part of their compensation. It was understood to be part of the regular compensation which these marshals were getting. If they do not have it, then they are not sufficiently compensated. It was believed at the time we passed the Army appropriation bill last year that the mileage clause which was intended only to apply to Army officers would not apply to these marshals. It has, however, been construed to apply to them. It consequently takes this much out of their fees. In effect it substantially takes away a large portion of their compensation. It was thought that we should except marshals from the contemplation of that law, and we have done so. The Senate have stricken out the provision we inserted in the bill. The Committee on Appropriations have recommended non-concurrence and I think we should non-concur until the Senate can show us by what means they propose to make marshals good for the loss of this part of their compensation. I hope the House will sustain the committee in the recommendation of non-concurrence.

Mr. HOLMAN. The Senate have stricken this out for the reason that it is an improper provision to be included in a general appropriation bill. I think some other mode can be devised for the compensation of these marshals without restoring the mileage system, which has been so much abused. I hope the House will concur with the Senate in striking this provision out of the law.

Mr. GARFIELD. Let us have a vote.

The Senate amendment was non-concurred in.



The eighty-eighth amendment of the Senate was read, as follows:

Strike out the following section:

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 of 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. GARFIELD. This clause was put in the appropriation bill in the House changing the jurisdiction of the circuit court in Iowa. There has been some difference of opinion among members as to how that should be done. The Committee on Appropriations recommend concurrence with the Senate in striking this provision out with an amendment substituting what I send to the Clerk to be read.

The Clerk read as follows:

SEC. 2. The circuit court of the United States for the district of Iowa may by consent of parties in any case, or without such consent, or in case where the amount in controversy does not exceed the sum or value of \$5,000, remit such case for final hearing to the district court of the United States for the district of Iowa, to be tried or heard in some one of the divisions thereof. In cases where the amount in controversy does not exceed the sum or value of \$5,000 application for such transfer may be made by either party in term time or upon notice at chambers in vacation, before final issue, and upon such application it shall be the duty of the court or judge to transfer any such cause if, in the opinion of such court or judge, delay and inconvenience to the litigants will be thereby avoided. And in all cases where causes are so transferred they shall be sent for hearing or trial to the division where, in the opinion of the court or judge, the trial can be had with the least inconvenience to the litigants. And said district court is hereby invested as to all cases thus sent to it with all the powers and jurisdiction of the circuit court, and such causes shall proceed in the district court and judgments and decrees therein and orders in reference thereto be enforced in the same manner as if the said court had in all respects full circuit court powers. The foregoing provisions shall extend to all cases originally brought in the circuit court and to those removed to that court from the State courts, but not to appeals, writs of error, or petitions for review in bankruptcy. The circuit judge may hear bankruptcy appeals and petitions for review in bankruptcy and chancery cases and non-jury cases submitted to him at chambers whenever the parties shall so agree: *Provided*, That the judge of said district court shall have power, by an order made and entered of record at any regular term, to alter from time to time the boundaries of the existing divisions of said district in such manner as will in his opinion facilitate the transaction of business or promote the convenience of suitors.

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

The remaining Senate amendments were disposed of.

Mr. ARCHER. I now move, as we have gotten through with all the amendments of the Senate, to reconsider the vote by which the seventeenth amendment was concurred in, so far as it cuts down the pay of four employés of this House. If any men are entitled to the pay they now receive, they are the assistant journal clerk, the two reading clerks, and the tally clerk of this House.

I have not in my experience in this House seen but one man that was able to undergo the fatigue of those offices; and they are important offices to the members of the House. The Senate propose to cut down their pay about \$412 a year. I hope we will reconsider and non-concur.

Mr. HOLMAN. I raise the point of order that the House has considered these amendments as in Committee of the Whole, and that it is not in order to reconsider.

The SPEAKER. The Chair thinks there was nothing said as to the amendments being considered as in Committee of the Whole.

Mr. ARCHER. The proceeding has been in the House.

Mr. HOLMAN. It is in the House as in Committee of the Whole.

The SPEAKER. The Chair does not think that there is any reason to cut off the right of the House to reconsider its action on the amendments if it chooses.

Mr. KELLOGG. Let us reconsider.

The SPEAKER. The question is on reconsidering the vote by which the House concurred in the amendments of the Senate relating to the clerks of the House.

The question being put, there were—ayes 102, noes 10.

The question recurred on concurring in the amendment, and it was non-concurred in.

Mr. HOLMAN. I move to reconsider the vote by which the House, in accordance with the recommendation of the Committee on Appropriations, non-concurred in the seventy-eighth amendment of the Senate.

A MEMBER. Which is that?

Mr. STORM. It is the amendment which abolishes the third assistant examiners in the Patent Office.

Mr. GARFIELD. The seventy-seventh and seventy-eighth amendments of the Senate must be considered together.

The Clerk read the seventy-seventh and seventy-eighth amendments of the Senate, as follows:

Strike out "\$40,000" and insert "\$100,000."

And add these words:

*Provided, however*, That on and after the 1st day of July, 1875, the grade of third assistant examiner of the Patent Office shall cease.

Mr. HOLMAN. I move that the House concur in the seventy-eighth amendment.

Mr. GARFIELD. If the gentleman will allow me, I will explain the position of this matter in a single sentence.

The Commissioner of Patents came before the Committee on Appropriations and requested us, instead of the usual \$40,000 to bring up the work of photo-lithographing or otherwise producing copies of drawings of current and back issues for the use of the office and for sale, to give him \$100,000 for that purpose. He said if he had \$60,000 more he could work that all up, and then at the end of the year disburse with the services of the three assistant examiners. We were not willing to give \$100,000 this year, and only gave \$40,000. The Senate has put upon the bill the provision recommended by the Commissioner, increasing the amount to \$100,000, with the proviso that at the end of the year the services of all these third assistant examiners shall be dispensed with.

Mr. HOLMAN. Could not the services of these examiners be dispensed with, reserving the question as to whether the amount should be increased from \$40,000 to \$100,000?

Mr. GARFIELD. O, no. Their services are necessary to bring up this work; and with the appropriation of \$100,000 the Commissioner will be able to employ enough assistance to wind up the work in one year.

Mr. HOLMAN. The explanation seems satisfactory. I withdraw the motion to reconsider.

Mr. GARFIELD. I move to reconsider the several votes of concurrence and non-concurrence with the Senate amendments; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I now move the appointment of a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

Mr. GARFIELD. I move that the House do now adjourn.

Mr. HOLMAN. I move that when the House adjourns to-day it be to meet on Monday.

The question being put on Mr. HOLMAN's motion, there were—ayes 34, noes 72.

So the motion was not agreed to.

#### POSTAL TELEGRAPH.

Mr. BUTLER, of Massachusetts, by unanimous consent, from the Committee on the Judiciary, presented a report in writing to accompany the bill (H. R. No. 4470) to establish certain telegraphic lines in the several States and Territories as post-roads and to regulate the transmission of commercial and other intelligence by telegraph; which was ordered to be printed, and recommitted to the Committee on the Judiciary, not to be brought back on a motion to reconsider.

The question being taken on the motion to adjourn, it was agreed to; and accordingly (at five o'clock and forty minutes p. m.) the House adjourned until twelve o'clock on Saturday.

#### 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. BUNDY: The petition of workmen and others of Tuscarawas County, Ohio, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. CHIPMAN: The petition of members of the bar of the supreme court of the District of Columbia, for an appropriation of \$4,000 to collect the statute law now in force in the District of Columbia, to the Committee on Appropriations.

By Mr. DURHAM: The petition of citizens of Kentucky, for a post-route from Middleburgh to Williams' Store, Kentucky, to the Committee on the Post-Office and Post-Roads.

By Mr. LUTTRELL: Resolutions of the board of supervisors of the city and county of San Francisco, California, asking the United States Government to refund \$7,383 expended in improving streets in front of Government buildings, to the Committee on Appropriations.

Also, the petition of citizens of Ukiah, California, for a post-route from Ukiah, via Mendocino and Casper, to Noyo, California, to the Committee on the Post-Office and Post-Roads.

By Mr. MOREY: The petition of L. Madison Day, of New Orleans, Louisiana, for the repayment of money paid for property confiscated and sold by the United States and afterward recovered by mortgagees, to the Committee on Claims.

By Mr. MYERS: Petitions of 774 operatives of Philadelphia, male and female, employés of Scheppers Brothers, silk and worsted manufacturers; of 63 employés of Schofield & Branson, hosiery manufacturers, of Philadelphia; and of 100 employés of Isaac A. Sheppard & Co.'s foundry, of Philadelphia, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. SCUDDER, of New Jersey: The remonstrance of licensed pilots usually engaged in navigating Staten Island Sound, of similar import, to the same committee.

By Mr. SCUDDER, of New York: The remonstrance of New York pilots and captains, against the plan adopted to open and improve the channel between Staten Island and New Jersey known as Kill Von Kull, to the Committee on Commerce.

By Mr. SPEER: The petition of 91 citizens of Broad Top, Pennsylvania, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. STEPHENS, of Georgia: Memorial of Frederick B. Culver, of Washington, District of Columbia, asking an appropriation to pay his claim for services in negotiating treaty of February 18, 1861, with the Arapaho and Cheyenne Indians, to the Committee on Indian Affairs.

By Mr. WILLARD, of Vermont: The petition of Michael M. Corey, of Vermont, for bounty, to the Committee on Military Affairs.

By Mr. WILSON, of Iowa: The petition of citizens of Benton County, Iowa, for the repeal of the 10 per cent. reduction of duties made in 1872 and against a duty on tea and coffee and revival of internal taxes, to the Committee on Ways and Means.

By Mr. WOOD: The petition of Philip Smith and Robert Boyd, of New York City, sureties, for relief, to the Committee on Claims.

## IN SENATE.

SATURDAY, February 6, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.  
The Journal of yesterday's proceedings was read and approved.

### CREDENTIALS.

The VICE-PRESIDENT presented the credentials of Hon. Theodore F. Randolph, chosen by the Legislature of New Jersey a Senator from that State for the term beginning March 4, 1875; which were read, and ordered to be filed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLINTON LLOYD, its Chief Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 3177) for the relief of DeWitt C. Chipman.

The message also announced that the House had passed the bill (S. No. 1076) to facilitate the disposition of cases in the Supreme Court of the United States, and for other purposes.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4471) to afford relief in the judicial courts to Robert Erwin;

A bill (H. R. No. 4560) relating to practice in the supreme court of the District of Columbia;

A bill (H. R. No. 4559) to relieve Thomas Boyd Edelin, of Prince George's County, Maryland, of all political disabilities;

A bill (H. R. No. 4562) removing the political disabilities of Beverly Kennon, of Virginia;

A bill (H. R. No. 4563) to make an appropriation to the contingent fund of the House of Representatives;

A bill (H. R. No. 4554) to remove political disabilities of George S. Hawkins, of Florida; and

A joint resolution (H. R. No. 148) authorizing the President to appoint a commissioner to attend the international penitentiary congress at Rome.

### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 366) granting a pension to Hugh Wallace;

A bill (H. R. No. 393) granting a pension to Rosanna Quinn;

A bill (H. R. No. 1275) granting a pension to William D. Boyd, of Johnson County, Kentucky;

A bill (H. R. No. 1438) granting a pension to Emily Phillips, widow of Martin Phillips;

A bill (H. R. No. 1722) granting a pension to Martha Wold;

A bill (H. R. No. 1820) granting a pension to Samuel Henderson;

A bill (H. R. No. 1947) granting a pension to George Holmes;

A bill (H. R. No. 1953) granting a pension to William D. Morrison, late captain of Company D, Seventh Regiment Maryland Volunteer Infantry;

A bill (H. R. No. 2218) granting a pension to Sarah Summerville;

A bill (H. R. No. 2254) granting a pension to the minor heirs of John H. Evans;

A bill (H. R. No. 2352) granting a pension to Lewis Hinely;

A bill (H. R. No. 2673) to restore the name of Hannah B. Eaton, of Kingsville, Ohio, to the pension-roll;

A bill (H. R. No. 2674) granting a pension to John W. Wright, now at the national military asylum near Dayton, Ohio;

A bill (H. R. No. 2901) granting a pension to John Hendrie;

A bill (H. R. No. 2949) granting a pension to James R. Borland;

A bill (H. R. No. 3008) granting a pension to John J. Bottgar;

A bill (H. R. No. 3193) repealing the act granting a pension to William H. Blair, approved July 27, 1868;

A bill (H. R. No. 3273) granting a pension to Rachael W. Phillips, widow of Gilbert Phillips;

A bill (H. R. No. 3275) granting a pension to Eli Persons;

A bill (H. R. No. 3277) granting a pension to Robert D. Jones;

A bill (H. R. No. 3278) granting a pension to Margaret Beeler;

A bill (H. R. No. 3681) granting a pension to William M. Drake;

A bill (H. R. No. 3682) granting a pension to Theron W. Hanks, a private of the Third Minnesota Battery;

A bill (H. R. No. 3691) granting a pension to James Barris;

A bill (H. R. No. 3697) granting a pension to Belinda Craig;

A bill (H. R. No. 3702) granting a pension to Alice Roper;

A bill (H. R. No. 3707) granting a pension to Louisa Thomas;

A bill (H. R. No. 3722) granting a pension to John Fink;

A bill (H. R. No. 3723) granting a pension to Mary Logsdon;

A bill (H. R. No. 3728) granting a pension to Abby A. Dike;

A bill (H. R. No. 4443) in regard to the visit of His Majesty the King of the Hawaiian Islands; and

A bill (H. R. No. 4531) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874.

### PETITIONS AND MEMORIALS.

Mr. WRIGHT. I present a petition of several members of the bar of the supreme court of the District, representing that the statutory laws and laws of local application in force in the District of Columbia are of four kinds: First, the statute laws of England in force at the date of the cession of Maryland; second, the statute laws of the State of Maryland in force at the date of such cession; third, the acts of Congress; and, fourth, the acts of the Assembly of the District organized under the act of February 21, 1871; and that many of these statutes and laws are out of print and can only be found with the greatest difficulty, and they therefore pray that there be appointed a commission of two lawyers practicing in said court to collect and codify such laws. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. HAMILTON, of Texas. I present a memorial of several hundred citizens of the Creek Nation, protesting against the organization of a territorial government in that country. Although this is an individual memorial, I move that it be printed and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. FERRY, of Connecticut, presented a resolution of the common council of the city of Middletown, Connecticut, in favor of an appropriation for the construction of a breakwater at and the improvement of the mouth of the Connecticut River; which was referred to the Committee on Commerce.

Mr. SCOTT presented a memorial of citizens of Philadelphia and a memorial of citizens of Chester County, Pennsylvania, remonstrating against the restoration of the duty on tea and coffee and praying for the repeal of the law which reduced the duties on certain foreign goods 10 per cent.; which were referred to the Committee on Finance.

Mr. MCCREERY presented the petition and papers of John L. Buck, of Pine Bluff, Arkansas, praying compensation for property used and destroyed by the United States during the late war; which were referred to the Committee on Military Affairs.

Mr. SHERMAN presented a memorial of citizens of Cincinnati, Ohio, remonstrating against the restoration of duties on tea and coffee and praying for the repeal of the 10 per cent. reduction of duties upon certain foreign goods made by the act 1872; which was referred to the Committee on Finance.

He also presented a memorial of the Chamber of Commerce of Cincinnati, Ohio, on the subject of the application of the Texas and Pacific Railroad Company for aid in the construction of their roads; which was referred to the Committee on Railroads.

Mr. HAMLIN presented the petition of Moses Giddings and Charles E. Dole, owners of the ship Golden Rocket, destroyed in the late rebellion by the rebel cruiser Sumter, praying that indemnity may be provided to them for the loss of the ship from the Geneva award; which was referred to the Committee on the Judiciary.

Mr. BOREMAN presented the petition of Hoy McLean, of Beverly, West Virginia, asking compensation for a house destroyed and lumber used in building barracks for soldiers in the late war; which was referred to the Committee on Claims.

Mr. WASHBURN presented a petition of citizens of Leyden, Massachusetts, praying for the establishment of a post-route from Greenfield to Leyden in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FLANAGAN presented the petition of merchants and citizens of Brownsville, Texas, praying a modification of the tax on leaf-tobacco; which was referred to the Committee on Finance.

Mr. FENTON presented the petition of William H. Babcock, late of Company C, One hundred and seventy-seventh Regiment New York Volunteers, praying an increase of pension; which was referred to the Committee on Pensions.

Mr. FENTON. I present concurrent resolutions of the New York Legislature, and I send them to the Clerk's desk that they may be read.