By Mr. HEWITT, of Alabama: A paper relating to a post-route from Birmingham to Cedar Grove, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. HOAR: The petition of J. C. Stoddard, for an extension of a patent for a steam musical instrument, to the Committee on Patents.

By Mr. HOGE: The petition of the officers of the Richland Rifle Club, a military company at Columbia, South Carolina, that the Secretary of War be authorized to issue to said company one hundred improved Springfield rifles in order that they may be better prepared to take part in the approaching centennial celebration, to the Committee on Military Affairs.

By Mr. JENKS: The petition of John Hoffman, to be relieved from the sentence of a court-martial depriving him of pay as a United States soldier, to the Committee on Military Affairs.

Also, the petition of Thomas H. Martin, for an increase of pension, to the Committee on Invalid Pensions.

Also, the petition of citizens of Pennsylvania, for bounty and bounty land for soldiers of the war of 1861, to the Committee on War Claims.

By Mr. KELLEY: The petition of Major Thomas H. McCalla, for a full pension, to the Committee on Invalid Pensions.

By Mr. MacDOUGALL: The petition of citizens of New York, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. MAGINNIS: The petition of settlers of Montana, for the survey of the public lands in order that they may obtain titles to pre-emption and homestead claims, to the Committee on Appropriations.

By Mr. MOREY: The petition of General E. S. Dennis, with accompanying papers, for the payment of his claim which was rejected by the southern claims commission, to the Committee on War Claims.

By Mr. MORRISON: The petition of citizens of Illinois, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. NORTON: Remonstrance of residents on the Allegany Indian reservations, against the passage of House bill No. 2158 of the present Congress, to the Committee on Indian Affairs.

By Mr. PATTERSON: The petition of the heirs of John S. Fillmore, for relief, to the Committee on Commerce.

Also, the petition of D. H. Moffatt, jr., and other citizens of Colorado Territory, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

Also, the petition of F. D. Wright and other citizens of Colorado, of similar import, to the same committee.

By Mr. JAMES B. REILLY: The petition of Mrs. Bridgett Smith, for a pension, to the Committee on Invalid Pensions.

By Mr. SAMPSON: The petition of Barbara Stephens, for a pension, to the same committee.

By Mr. SAYLER: The protest of Charles Hoeffer and 19 other distillers and rectifiers of Cincinnati, Ohio, against any change in the revenue law fixing the amount of tax on spirits, to the Committee of Ways and Means.

By Mr. SPARKS: The petition of citizens of Nashville, Illinois, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. SWANN: The petition of W. F. Keirle, for moiety as a detective in the Revenue Department under act of March 2, 1867, to the same committee.

By Mr. THOMPSON: The petition of P. E. Pillsbury and 120 others of Massachusetts, for the repeal of the check-stamp tax, to the same committee.

By Mr. TUFTS: Joint resolutions of the General Assembly of Iowa, in relation to the proposed canal from some point between the mouth of Rock River and Clinton, Iowa, on the Mississippi River, to the Illinois River at Hennepin, to the Committee on Commerce.

By Mr. WALKER, of New York: The petition of Margaret Mills, widow of the late General Madison Mills, for a pension, to the Committee on Invalid Pensions.

By Mr. WALKER, of Virginia: The petition of N. H. Van Zandt, for the removal of his political disabilities, to the Committee on the Judiciary.

Also, resolutions of the Grand Lodge of Masons in Virginia in relation to Washington Monument, to the Committee on Public Buildings and Grounds.

By Mr. WIGGINTON: A paper relating to a post-route from Fresno to Panoche, California, to the Committee on the Post-Office and Post-Roads.

By Mr. A. S. WILLIAMS: The petition of 193 citizens of Detroit, Michigan, that authority be granted for the erection of a bridge across the river at Detroit, to the Committee on Commerce.

By Mr. WILLIAMS, of Delaware: The petition of 59 citizens of Delaware, that Treasury notes be made receivable for all forms of taxes, duties, and debts, and interchangeable at the will of the holder with the interest-bearing bonds of the Government, and that 25 per cent. of the present bank circulation be withdrawn annually until all is replaced by greenbacks, to the Committee on Banking and Currency.

Also, the petition of 85 citizens of Delaware, of similar import, to the same committee.

Also, the petition of 88 citizens of Delaware, of similar import, to the same committee.

By Mr. WILLIAMS, of Wisconsin: The petition of James Cleland and 29 other citizens of Rock County, Wisconsin, for the repeal of the resumption act, and against the tax on tea and coffee and the paying of a bonus to national banks, &c., to the Committee on Banking and Currency.

Also, the petition of E. G. Huggins and 479 other citizens of Wisconsin, that the present duty on linseed and linseed-oil be maintained, to the Committee of Ways and Means.

By Mr. WILLIS: The petition of Colonel C. A. Ellis, First Missouri Cavalry, for a trial by court-martial or otherwise, to the Committee on Military Affairs.

Also, the petition of Wolff & Brown, for relief, to the Committee on War Claims.

By Mr. WILSON, of Iowa: The petition of 3,500 citizens of Iowa, for the appointment of a commission to investigate and report the effects of the liquor traffic in the United States on the health, intelligence, industry, prosperity, crime, and pauperism of the individuals; also, upon taxation, revenue, and the general welfare of the country; to prohibit the importation of alcoholic liquors from foreign countries; to prohibit the manufacture and sale of alcoholic liquors as a beverage in the District of Columbia, in the Territories of the United States, and in all places where Congress exercises exclusive jurisdiction; to require total abstinence from alcoholic liquors as a beverage on the part of all officials and subordinates in the civil, military, and naval service of the United States, to the Committee on the Judiciary,

By Mr. WOODWORTH: The petition of H. Baldwin and 130 voters and 222 women of Ohio, for the appointment of a commission to investigate and report upon the effects of the liquor traffic in the United States, to the same committee.

IN SENATE.

TUESDAY, *March* 21, 1876.

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

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

PETITIONS AND MEMORIALS.

Mr. WRIGHT. I present the petition of the Right Worthy Grand Lodge of Good Templars of the United States, said to represent 850,000 members, the petition being signed by the officers thereof, praying for prohibitory legislation for the District of Columbia and the Territories; also, for the prohibition of the importation of alcoholic liquors from abroad; also, that total abstinence be made a condition of the civil, military, and naval service; and for a constitutional amendment prohibiting the traffic in alcoholic beverages throughout the national domain. I believe this question has passed from the Senate and the bill has gone to the House. Under that impression I move that the petition lie on the table.

The motion was agreed to.

Mr. WINDOM. I offer a similar petition of the Good Templars of the State of Minnesota, and, for the reason just stated by the Senator from Iowa, I move that it lie on the table.

The motion was agreed to.

Mr. WINDOM presented a joint resolution of the Legislature of Minnesota, in favor of the vacation by the Government of that portion of the military reservation at Fort Abercrombie, Dakota Territory, which lies on the east side of Red River in the State of Minnesota, and to open the same to settlement and occupation under the homestead and pre-emption laws; which was referred to the Committee on Public Lands.

Mr. KERNAN presented the petition of Margaret Mills, widow of the late Surgeon Madison Mills, brevet brigadier-general United States Army, praying that her pension may be increased from twenty-five to fifty dollars a month; which was referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, presented a joint resolution of the Legislature of Wisconsin, remonstrating against the passage of a law authorizing the bridging of the Detroit River; which was referred to the Committee on Commerce.

Mr. LOGAN presented a petition of soldiers, sailors, and marines of the late war, praying for the passage of an act granting to them and their heirs—except commissioned officers—a bounty of eight and one-third dollars per month for the time served, deducting all United States bounty heretofore paid; which was referred to the Committee on Military Affairs.

He also presented a petition of citizens of Washington County, Illinois, praying for the repeal of the two-cent stamp tax on bank-checks; which was referred to the Committee on Finance.

He also presented the petition of C. M. Levy, captain in the volunteer service in 1863, praying that he may be allowed the amount of two years' pay and allowances as captain and assistant quartermaster of volunteers; which was referred to the Committee on Military Affairs.

He also presented the petition of the Grand Division Sons of Temperance of Illinois, officially signed and representing 2,000 members, praying for prohibitory legislation for the District of Columbia and the Territories, the prohibition of the importation of alcoholic liquors; that total abstinence be made a condition of the civil, military, and

naval service; and for a constitutional amendment to prohibit the traffic in alcoholic beverages throughout the national domain; which was ordered to lie on the table.

Mr. DAWES. I have a similar petition to that just presented by the Senator from Illinois in reference to the liquor traffic, signed officially by the officers of the Temperance Alliance of the State of Massachusetts, and I ask that it take the same course.

The PRESIDENT *pro tempore*. The petition will lie on the table.

Mr. DAWES presented a memorial of merchants and business men in the city of Boston, remonstrating against the repeal of the bankrupt law, and that there may be essential amendments made thereto; which was referred to the Committee on the Judiciary.

Mr. SARGENT. I present a petition relating to the liquor traffic, similar to that presented by other Senators, from the Grand Lodge of Good Templars of California, officially signed, representing 211 lodges and an actual membership of 10,132. I move that it lie on the table.

The motion was agreed to.

Mr. COOPER. I present a similar petition from the Grand Division of the Sons of Temperance of East Tennessee, and I move that it lie on the table.

The motion was agreed to.

Mr. SHERMAN. I present a similar petition of the Sons of Temperance of Ohio, signed by the officers, representing 8,000 members. I move that it lie on the table.

The motion was agreed to.

Mr. MORRILL, of Maine. I present one of a similar character from the Grand Lodge of Good Templars, signed by the officers, representing 14,000 members. I move that it lie on the table.

The motion was agreed to.

Mr. DORSEY. I present a similar petition, signed by the officers of the Grand Lodge of Good Templars of Arkansas, representing 1,000 members. I move that it lie on the table.

The motion was agreed to.

Mr. McMILLAN presented the petition of S. W. Furber and others, praying that the present rate of duty on linseed and linseed-oil be retained; which was referred to the Committee on Finance.

He also presented a joint resolution of the Legislature of Minnesota, in favor of the passage of an act for the extension of time to settlers under the timber-culture act of Congress whose trees have been destroyed by grasshoppers; which was referred to the Committee on Public Lands.

He also presented a memorial of the Legislature of Minnesota, in favor of the extension of the Hastings and Dakota Railway; which was referred to the Committee on Public Lands.

Mr. CHRISTIANCY. I present the petition of D. Nettleton, A. Richards, and 257 other citizens of the State of Michigan, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and Territories of the United States. I am in doubt to what committee it ought to go. I do not understand that the action of the Senate, which has already been had, really touches this point. That was a matter of inquiry merely; and this calls for legislation. I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. BOUTWELL. I present the petition of the Methodist Episcopal church of Natick, Massachusetts, signed by its officers, and the petition of the Bay View Methodist church of Gloucester, Massachusetts, signed by its officers, in regard to the liquor traffic. I move that they be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. JOHNSTON. I present a petition from the Grand Division Sons of Temperance of Virginia, signed by W. F. Brown, grand worthy patriarch of Virginia, and E. D. Bland, grand worthy scribe, in regard to the liquor traffic; and I move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

The PRESIDENT *pro tempore*. Shall all the other petitions offered this morning in relation to this subject take the same reference? They were laid on the table.

Mr. WRIGHT. I call the attention of the Senator from Vermont, [Mr. EDMUNDS,] the chairman of the Committee on the Judiciary, to this question. The proposition is to refer all the petitions on the subject of the alcoholic liquor traffic to the Committee on the Judiciary. It occurred to me that that was hardly a proper reference. I call his attention to it, however, and if he has no objection, of course I shall not insist upon a contrary course.

Mr. EDMUNDS. I understood the Chair to say that they were to be laid on the table.

The PRESIDENT *pro tempore*. Three or four were laid on the table, and then a petition was offered by the Senator from Michigan, [Mr. CHRISTIANCY,] and inasmuch as it involved a constitutional amendment or legislation relating to the District of Columbia, it was referred to the Committee on the Judiciary. It was so referred on that Senator's motion. The others that followed were also referred to the Committee on the Judiciary. The Chair suggested that they had better all take the same course, and he asked the expression of the Senate on that point.

Mr. ALLISON. Ought they not to go to the Committee on Finance, because they relate to the importation of liquors?

Mr. LOGAN. But the petitions call for a constitutional amendment.

Mr. EDMUNDS. No; these petitions—I hold one in my hand—do not ask for any constitutional amendment, so far as I can see. They ask to have the sale and manufacture of these beverages in the District of Columbia and in the Territories of the United States prohibited. They ask also for the prohibition of their importation from foreign countries. Further, they ask for legislation that shall require "total abstinence from all alcoholic beverages on the part of all officials and subordinates in the civil, military, and naval service;" and, fourth, "to initiate and adopt, for ratification by the several States of the Union, a constitutional amendment, which shall make the traffic in alcoholic beverages illegal throughout our national domain." Three of these objects plainly are not those for judicial consideration, so to speak. They are objects which relate to the general welfare of the people in this District and in the Territories. They concern the subject of importation; they relate not only to the general welfare, but also to the question of revenue; and when it comes to total abstinence on the part of all officers and subordinates in the civil, military, and naval services—which, as the Senate decided in the case of Blount, does not apply to members of the House of Representatives or Senators, so that nobody here can be disturbed on that account—that is a subject that ought to go to the Committee on the Civil Service plainly.

I submit, then, that either this matter must be divided or it ought to go primarily to the Committee on the District of Columbia, as the first thing asked for, which is really the only practicable one probably, is the prohibition of this traffic in the District of Columbia and in the Territories. I ask, therefore, that the reference to the Committee on the Judiciary be changed to the Committee on the District of Columbia. Here we undoubtedly have constitutional power to do what the public welfare demands, and that committee is charged with considering whether the public welfare does demand it.

I present the petition from the Grand Lodge of Vermont of the Independent Order of Good Templars, representing 5,400 persons, asking for this species of legislation, and I move that it and the other petitions go to the Committee on the District of Columbia, which is the first really practical point in the petition.

Mr. CHRISTIANCY. The reference of the petition which I presented would be as appropriate to the Committee on Territories as to the Committee on the District of Columbia.

Mr. EDMUNDS. Let us begin at home, right here in the capital.

Mr. CHRISTIANCY. I suppose one is equally competent to act upon the subject with the other. The petition which I presented does not ask any constitutional amendment or the prohibition of foreign importation, but simply prays for the prohibition of the manufacture and sale.

The PRESIDENT *pro tempore*. The Senator from Vermont moves the reference of all these petitions to the Committee on the District of Columbia.

The motion was agreed to.

Mr. CONKLING. I have a petition like that presented by the Senator from Vermont, signed by the Good Templars of the State of New York through their proper officers, and I move that it take the reference given to the other.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on the District of Columbia.

Mr. CONKLING. I have also twenty-one hundred and eighty-seven different petitions, accompanied by, I am instructed, one hundred letters, which I have not counted myself, in respect of the proposed change of the Pension Bureau to the War Department. These petitions come from pensioners, both men and women, chiefly from the State of New York, but in some degree from other States. They assign, as well in the petitions as more especially in the letters, their reason for remonstrating earnestly against this change, and they make statements expressive of the truth, as they believe it to be, that the present pension service is economical, convenient, and certainly as free from danger of fraud as it could well be; and is in that respect, as in others, superior to the arrangement as it will be should the service be transplanted to the War Department. I suppose the Committee on Pensions is the appropriate committee to which to move a reference of these petitions.

The PRESIDENT *pro tempore*. The petitions will take that reference.

Mr. CONKLING. I present also the petition of Maria H. Granger, widow of the late Major-General Gordon Granger, praying to be allowed a pension. In presenting this petition, I venture to say to the Committee on Pensions that it has the attention and solicitude of many persons whose judgment and wish are entitled at least to consideration in the committee. I move its reference to the Committee on Pensions.

The motion was agreed to.

Mr. KEY presented the petition of the Good Templars of Tennessee, officially signed, praying for prohibitory legislation for the District of Columbia and the Territories in relation to the liquor traffic; which was referred to the Committee on the District of Columbia.

Mr. GORDON. I present petitions for the improvement of the harbor of Brunswick, from the city council of Brunswick, the mayor and council, also from the city council of Macon, Georgia, and also from the Board of Trade and of Pilotage of the city of Brunswick. I wish

simply to remark that the city of Brunswick has probably the very best harbor south of New York, unless it be a harbor on the South Carolina coast. I hope that these petitions will receive the favorable attention of the Committee on Commerce, to which committee I move their reference.

The motion was agreed to.

Mr. GORDON presented a petition of citizens of Georgia, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. MCMILLAN. I present a petition which has been forwarded to me, signed by John Brown Smith, of Amherst, Massachusetts, praying for an amendment of the naturalization laws of the United States "so that they shall fully recognize the natural right of the citizens to withdraw allegiance from government at will and retain all such rights in their own self-sovereign individualities." In accordance with the request of the petitioner, I present the petition and move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. HAMLIN. I have received and been requested to present a memorial from citizens of this District, signing themselves "Good Templars," asking for prohibitory legislation for the District of Columbia and the Territories in relation to the sale of spirituous liquors and for an amendment of the Constitution so that the traffic may be prohibited all over the country. I move its reference to the Committee on Finance.

The PRESIDENT *pro tempore*. Other petitions of like nature have been referred to the Committee on the District of Columbia.

Mr. HAMLIN. Let it go there.

The petition was referred to the Committee on the District of Columbia.

Mr. HITCHCOCK presented a petition from the Sons of Temperance of Nebraska, praying for prohibitory legislation for the District of Columbia and the Territories in relation to the sale of spirituous liquors; which was referred to the Committee on the District of Columbia.

Mr. CAPERTON presented the petition of R. C. Holloway, Thomas Collins, and other citizens of West Virginia, asking for a general law to prohibit the liquor traffic within the national jurisdiction; which was referred to the Committee on the District of Columbia.

Mr. INGALLS presented the petition of Elizabeth A. Bailey, widow of the late Captain David G. Peabody, praying to be granted a pension in the name of their daughter, Alice A. Peabody; which was referred to the Committee on Pensions.

He also presented the petition of the Grand Lodge of Good Templars of Kansas, signed by the officers, representing five thousand members, praying for prohibitory legislation in regard to the liquor traffic; which was referred to the Committee on the Judiciary.

Mr. KERNAN presented the petition of the New York State Temperance Society, signed by its officers, asking for prohibitory legislation for the District of Columbia and in the Territories relative to the traffic in alcoholic liquor; which was referred to the Committee on the District of Columbia.

Mr. CAMERON, of Pennsylvania, presented the petition of Catherine T. Campbell, praying remuneration for the loss occasioned by the accidental shooting and killing of her son by the United States provost guard at Philadelphia, Pennsylvania, in March, 1865; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. JONES, of Florida, from the Committee on Public Lands, to whom was referred the bill (S. No. 371) granting the right of way to the Saint John's Railway Company, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 119) to authorize the Secretary of the Interior to sell at public auction lands no longer required for military purposes, reported it with an amendment.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 524) to amend section 1002 of the Revised Statutes relating to the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SARGENT, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, reported it with amendments.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. ALLISON. The Committee on Appropriations direct me to report back the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877, and recommend that the Senate insist on its amendments to this bill and ask for a conference with the House of Representatives on its disagreeing votes. I submit the motion.

The motion was agreed to, and the managers on the part of the Senate were authorized to be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. ALLISON, Mr. LOGAN, and Mr. WALLACE.

BILLS INTRODUCED.

Mr. WHYTE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 621) for the relief of Jesse H. Weirick; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 622) for the relief of John L. Williams, sole heir of Eleazer Williams, deceased; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SARGENT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 623) for the relief of settlers on certain lands in the State of California; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. INGALLS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 624) to incorporate the Citizens' Mutual Gas-Light Company of the City of Washington, District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 625) approving the building of the Union Railroad of the District of Columbia; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. KEY, it was

Ordered, That the petition and accompanying papers in the case of Moses Brooks be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the papers relating to the claim of Eleazer Williams be taken from the files of the Senate and referred to the Committee on Indian Affairs.

EULOGIES OF SENATOR O. S. FERRY.

Mr. ENGLISH submitted the following resolution; which was referred to the Committee on Printing:

Resolved, (*the House of Representatives concurring*,) That 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Orris S. Ferry, late United States Senator from Connecticut, be printed, 4,000 copies for the use of the Senate and 8,000 copies for the use of the House of Representatives; and that the Secretary of the Treasury have printed the portrait of Mr. Ferry to accompany the same.

HEIRS OF GENERAL JAMES H. CARLETON.

Mr. WRIGHT. I move to proceed to the consideration of Senate bill No. 63.

The motion was agreed to; and the bill (S. No. 63) granting relief to Eva, Etta, Henry, and Guy Carleton, heirs of General James H. Carleton, deceased, was considered as in Committee of the Whole.

Mr. WRIGHT. The bill was once before the Senate and was passed over because of a suggestion made by the Senator from Vermont, [Mr. EDMUNDS.] Since that time I have corresponded with the War Office and got information which I have submitted to him. There are one or two formal amendments. I ask that the amendments may be reported and acted on.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Claims will be read.

The CHIEF CLERK. The amendments are in lines 5 and 6 to strike out "Eva, Etta, Henry, and Guy Carleton, heirs," and insert "Eva Vansant, Henry Carleton, and Maud Carleton, children;" in line 8, after the words "legal representatives," to insert "in full satisfaction;" and in line 12 to strike out "with interest from the date of the award of the board of survey" and insert "being the amount found due by a board organized;" so that the bill, as amended, will read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Eva Vansant, Henry Carleton, and Maud Carleton, children of General James H. Carleton, or their legal representatives, in full satisfaction for property destroyed by order of General Canby, dated Fort Craig, New Mexico, February 21, 1862, the sum of $7,600, being the amount found due by a board organized under Special Orders No. 159, issued by General E. R. S. Canby, and dated Santa Fé, New Mexico, September 3, 1862.

The amendment was agreed to.

Mr. DAVIS. I ask the chairman of the Committee on Claims whether this bill passed the Senate at the last Congress?

Mr. WRIGHT. It passed the Senate at the last Congress and also the Congress before. It is the same bill precisely as reported by the Senator from Virginia himself at the last Congress.

Mr. DAVIS. The same amount?

Mr. WRIGHT. The same amount exactly, and precisely the same bill.

Mr. DAVIS. Then I think it right; for I reported on that bill once, and it struck my ear when I heard it read.

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

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

The title was amended so as to read, "A bill granting relief to Eva Vansant, Henry Carleton, and Maud Carleton, children of General James H. Carleton."

MESSAGE FROM THE HOUSE.

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

A bill (H. R. No. 1256) to regulate the duties of constables and marshals in the District of Columbia where property is claimed to be exempt from execution;

A bill (H. R. No. 1271) amendatory of the act to incorporate the Columbia Railway Company of the District of Columbia, approved May 24, 1871;

A bill (H. R. No. 1345) revising and amending the various acts establishing and relating to the Reform School in the District of Columbia;

A bill (H. R. No. 1652) giving the approval and sanction of Congress to the route and termini of the Citizens' Railroad, and to regulate its construction and operation;

A bill (H. R. No. 1922) providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia; and

A bill (H. R. No. 2157) to provide for building a market-house on square 446 in the city of Washington, District of Columbia.

The message also announced that the House of Representatives had postponed indefinitely the joint resolution (S. R. No. 9) authorizing Hon. William L. Scruggs, United States minister at Bogota, to accept a present from the Queen of Great Britain.

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

A bill (S. No. 295) to amend the act entitled "An act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation;"

A bill (S. No. 359) to incorporate the Washington City Inebriate Asylum, in the District of Columbia; and

A bill (S. No. 401) to incorporate the Citizens' Building Company of Washington.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 386) approving an act of the Legislative Assembly of Colorado Territory;

A bill (H. R. No. 489) for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham;

A bill (H. R. No. 490) for the relief of Hibben & Co., of Chicago, Illinois;

A bill (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B. Dyer, late brigadier-general and Chief of Ordnance, United States Army;

A bill (H. R. No. 198) to relieve the political disabilities of Robert Tansill, of Virginia; and

A bill (H. R. No. 1596) granting a pension to Ruth Ellen Greelaud.

SIOUX RESERVATION.

Mr. ALLISON. I move that the Senate proceed to the consideration of the bill which was under consideration yesterday morning, being Senate bill No. 590.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 590) providing for an agreement with the Sioux Nation in regard to a portion of their reservation, and for other purposes, the pending question being on the amendment of the Committee on Indian Affairs, which is to strike out in line 4 of section [6] 5 "10" and insert "20;" so as to make the amount "$20,000."

Mr. DAVIS. Do I understand that as advancing the amount from $10,000 to $20,000 for the expenses of the commission?

Mr. ALLISON. That is the object.

Mr. DAVIS. Is there necessity for it?

Mr. ALLISON. The committee thought, inasmuch as the number of commissioners was increased from three to five, it might require more than $10,000, and they were not certain as to the length of time that it might be necessary to occupy, and therefore they proposed to insert $20,000 in lieu of $10,000. Of course if that sum is not necessary it will not be used.

Mr. DAVIS. I understood yesterday that there was an amendment offered or to be offered to the bill looking to the employment of Army officers, and in that case it certainly would not require anything like the amount of $20,000.

Mr. ALLISON. Of course it would not be used if the amendment of the Senator from North Carolina [Mr. MERRIMON] should prevail. In that event this sum would not be required; but that has not yet been voted upon. If it should be adopted, only so much of the sum as should be required would be used.

Mr. DAVIS. My experience is that when money is appropriated for a purpose, it generally gets out of the Treasury in some manner or other. If it is not used directly, it is indirectly. My fear is that this will all be used. I doubt the propriety very much, especially if the amendment of the Senator from North Carolina should prevail of appropriating even the half of $10,000.

Mr. ALLISON. I think the Senator from West Virginia need have no apprehension on that score. This appropriation is to be expended under the direction of the Secretary of the Interior, and of course none of it will be used unless it shall be absolutely required. I think there is no danger.

Mr. COCKRELL. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 29; as follows:

YEAS—Messrs. Allison, Bogy, Boutwell, Cameron of Wisconsin, Conkling, Cragin, Dorsey, Howe, Ingalls, Jones of Nevada, Logan, Morrill of Maine, Morrill of Vermont, Paddock, Patterson, Sargent, Sherman, Spencer, West, Windom, and Wright—21.

NAYS—Messrs. Bayard, Caperton, Christiancy, Cockrell, Cooper, Davis, Dennis, Eaton, Edmunds, English, Ferry, Frelinghuysen, Gordon, Hamilton, Hitchcock, Johnston, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, McMillan, Maxey, Merrimon, Ransom, Robertson, Whyte, and Withers—29.

ABSENT—Messrs. Alcorn, Anthony, Booth, Bruce, Burnside, Cameron of Pennsylvania, Clayton, Conover, Dawes, Goldthwaite, Hamlin, Harvey, Mitchell, Morton, Norwood, Oglesby, Randolph, Saulsbury, Sharon, Stevenson, Thurman, Wadleigh, and Wallace—23.

So the amendment was rejected.

The next amendment of the Committee on Indian Affairs was to add to section [6] 5 the following:

And the further sum of $50,000 is hereby appropriated to make suitable provision to aid the said commission in the discharge of the duties required by this act, and said sums shall be expended under the direction of the Secretary of the Interior.

Mr. DAVIS. I think some explanation ought to be given why $50,000 additional is appropriated by this amendment. We should know what it is for, what it means. We should not vote $50,000 unless some explanation is given. I hope those who have charge of the bill and know what it is will tell us.

Mr. EDMUNDS. It was discussed yesterday. A full explanation was given yesterday.

Mr. ALLISON. In reply to the query of the Senator from West Virginia I will state that the committee believed that this sum might be necessary in order to effectuate what the bill proposes. It has been usual to appropriate these incidental sums as preliminary to making treaties with Indians. In 1867 Congress appropriated $150,000 for a similar purpose, to effectuate the treaty of 1868. It is a question purely within the discretion of Congress whether or not this sum shall be appropriated for this purpose. The committee believed that it was essential in order to insure success, and therefore have reported this amendment. That is about all I can say with reference to it.

Mr. BOGY. I think that the Senate has not a correct understanding of this question, and indeed of this entire bill. The amendment which was voted on a while ago was to increase the appropriation for expenses from $10,000 to $20,000. That amendment was voted down. Now it is proposed to make an appropriation of $50,000 for the purpose of enabling the commission to effect the object which is embraced in the bill. We have to approach this subject as a whole. These Indians are occupying a reservation, a portion of which we are anxious to obtain; it may be but a small portion of their reservation, but nevertheless it is a portion that they do not like to give up. It was stated yesterday by the Senator from Nebraska [Mr. HITCHCOCK] that this portion called the Black Hills country was not occupied by the Indians; that they were in point of fact yet in the State of Nebraska south of the line provided by the treaty of 1868. That is true. These two big tribes, or rather two bands composing one tribe, at the head of one of which is the noted chief called Red Cloud, and at the head of the other is the other noted chief called Spotted Tail, occupy with their agencies now a country which is outside of their reservation, south of the line of their reservation; but it is within the country which belongs to those Indians by treaty stipulation made with them some years ago, and which, indeed, has belonged to them from time immemorial, and they contend is their country yet; because we must all understand that these poor fellows do not very well comprehend this thing of a line unless it is very well marked by a stream or a mountain or a deep valley. The Indians believe now that both the Red Cloud and Spotted Tail agencies are upon their lands, and they occupy with their agency establishments and their towns and villages a country south of the Black Hills; but they nevertheless claim the Black Hills as their country. They are from that country; they were all, I may say, born in the Black Hills country, and they now roam over the Black Hills country as their own domain. It is to a certain extent their hunting-ground, although the game is rather scarce in that whole region of country. They do not like to give it up. Why? But a short time ago, in 1868, we made a treaty with them by which they were told that they could keep that country for many, many years, indeed forever; and now we are calling upon them to cede perhaps the country that they like the best, the region between the two rivers, the North Fork of the Cheyenne and the South Fork of the Cheyenne. Now, is it to be supposed that these Indians, believing that it is their country, as in point of fact it is their country, will give it up without adequate compensation, without proper means being used to obtain it from them?

The Senator from Vermont [Mr. EDMUNDS] yesterday said that the whites had no business there, and that they should be sent away by the strong arm of the Government. That is true. The persons who have been induced to go there now to hunt for gold have no business there; that is, they have no right to go there, but there they will go and there they are going every day. It is the duty of the Govern-

ment to prevent them from going there; but as the Government does not exercise that duty, what are the Indians to do? They are to repel the whites; they are to drive them away. How can they do it? Can they do it by gentle means? Can they do it by mild means? Can they do it by persuasion? They can only do it by using main force. To use main force leads of course to bloodshed, and bloodshed will lead to a war with them, because when they attempt to remove the frontier-men who go there, as a matter of course the whites will resist and the Indians will insist, and blood will be the result. That is inevitable. That will be the case this summer beyond doubt, because we do know that the whites are going there, right or wrong. They are wrong, but nevertheless they are going there and going in pretty large numbers.

The object of this bill proposed by the Committee on Indian Affairs is to prevent that collision, is to send commissioners there to see these Indians and make them understand that the country is needed by the whites, that the whites are going there, and that as the whites will go there it will be better for them to submit quietly and receive a fair compensation for it.

The sum of $50,000 was called yesterday, I think by two Senators, a corruption fund. To a certain extent that may be true, although it is not intended to buy Indians corruptly, but nevertheless it is an impossibility to negotiate any fair arrangement, call it agreement or a treaty, with the Indian tribes, unless you have presents to make to the chiefs. If you want to succeed, use those means that are necessary, means that have always been used, and without which you cannot succeed. Now the sum of $50,000, when you consider the number of Indians who are in that country, is really a very small sum. There are between forty and fifty thousand Indians on that reservation, not belonging to the two tribes headed by Red Cloud and Spotted Tail; but all the Sioux Indians who are intended to be embraced in the arrangement proposed to be made amount to forty or fifty thousand. The object is to embrace them all in an arrangement by which they will voluntarily abandon the Black Hills country, abandon the country where they have their agencies now, and move farther north and toward the Missouri River. Unless the commissioners have these means and appliances they cannot succeed. One reason why the commission did not succeed last year was because they had no means at their disposal.

Mr. MERRIMON. Allow me to ask a question. In negotiating this proposed treaty, will my friend designate some of the special objects for which the $50,000 are to be expended?

Mr. BOGY. The question of my friend from North Carolina—and I wish to treat him with very great respect as well as kindness—shows that he is totally ignorant of Indian habits. You cannnot treat with an Indian any more than you can with a Turk or an Asiatic without having presents. Why, sir, we heard the other day that in negotiating a treaty with the Grand Turk we had to give presents to his ministry; and it has been the law from the days of Alexander down with regard to the Asiatic tribes, and it is said these Indians are Asiatics. If they are, they have retained that habit.

Mr. EDMUNDS. May I ask if the practice has not sometimes prevailed in Europe, to say nothing of America?

Mr. BOGY. It has prevailed all over the world, civilized and barbarian, and in all ages of the world; and it was a little observed when the "high joint" was here. It is, to a certain extent, a custom of all nations, not in the way of corruption. You cannot negotiate to-day a treaty with the Grand Turk without making a present to his ministers. It is not corruption; it does not mean corruption, although much fuss has been made over it in the House by some gentleman who spoke of it as remarkable that presents were bought in the city of Paris to give to those men. There is nothing wrong in it. It has been the custom from time immemorial that these presents are made to the ministry; and they are made in our country, and made all over Europe to-day, and very often in a very clandestine and very improper manner.

Mr. EDMUNDS. Does the Senator mean to say that it is not wrong because it has been the custom from time immemorial? Is that the reason why it is not wrong?

Mr. BOGY. That is an evidence that it is not wrong.

Mr. EDMUNDS. That would be evidence that stealing is not wrong.

Mr. BOGY. It is an evidence that it cannot be very corrupt when it has been sanctioned by the usage of centuries.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. MORTON. I must ask for the regular order.

Mr. ALLISON. I ask the Senator from Indiana to pause a moment that I may have the consent of the Senate to proceed with this bill as soon as the pending measure is disposed of.

Mr. MORTON. If a vote can be obtained at once, I shall have no objection; but I am satisfied that this debate will run on.

Mr. ALLISON. No; I say after your bill is disposed of.

Mr. MORTON. I beg pardon; I did not understand the Senator.

Mr. ALLISON. I will content myself with giving notice that I shall call up this bill as soon as the bill of the Senator from Indiana is disposed of.

COUNTING OF ELECTORAL VOTES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1) to provide for and regulate the counting of votes for President and Vice-President and the decision of questions arising thereon.

Mr. MAXEY. Mr. President, no question of so much importance as the one now under consideration has been considered by the Senate during the present session.

The bill proposes to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon. We are warned by the past to provide for the future. With the majority in the two Houses representing opposing parties, the time is propitious for passing a wholesome law which all the people will recognize as honest and free from party bias. We should take advantage of the favoring circumstances.

The Constitution reads:

> The President of the Senate shall, in the presence of the Senate and House of Representatives, *open all the certificates*, and the votes shall then be counted. (Part of the twelfth amendment.)

Here are two distinct duties to be performed. First, the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates. That is mandatory, not directory; it is unmistakable. The President of the Senate, and none other, shall open all the certificates; not part, but all. He cannot perform this duty except in the presence of the Senate and House of Representatives; not Senators and Representatives; not a mass convention of Senators and Representatives; but in the presence of the Senate organized and appearing in its organized capacity, and the House of Representatives there present, organized as such. So far, then, as opening all the certificates by the President of the Senate in the presence of the Senate and House of Representatives is concerned, there is no dispute; but it is insisted by the Senator from Maryland that the President of the Senate must not only open all the certificates, but must likewise count the votes; that the act of counting the votes is a mere ministerial act, and that the sole office of the two Houses, who are required to be present, is to witness the performance of these two ministerial acts, namely: the opening all the certificates and the counting of the votes by the President of the Senate. If he is correct in this construction, then there is no need of any law. It would be a work of supererogation. The Constitution in this regard executes itself. The two Houses are figure-heads, and part of an imposing pageant.

I dissent from this construction. The duty of counting the votes devolves in the first instance, in my judgment, on the Senate and House of Representatives. Why the necessity of requiring the Senate to appear organized and ready for business, unless it has business? Why require the House of Representatives to be present organized, unless for business? The very fact that the two Houses are required to appear in their organized capacities strengthens the construction which I place on the clause in question.

Had the framers of the Constitution designed to confer on the President of the Senate the duty as well as power of counting the votes, then why does it not say so? Why not read, The President of the Senate shall * * * open all the certificates and count the votes? As the power is, in express terms, conferred upon the President of the Senate to open all the certificates, and is not conferred upon him in express terms or by implication to count the votes, we naturally conclude that the power of counting the votes was not lodged in the President of the Senate, but was lodged in the Senate and House of Representatives, then present by the mandate of the Constitution and organized for business, and none other being required to be present. This view is supported by the well-known rules of construction and is consonant with right reason.

The second officer of the United States in rank opens all the certificates in the presence of the two Houses of Congress, and they, in his presence, count the votes. I say in his presence, because the Constitution says the votes shall then be counted.

If this view of the Constitution be correct, as I think it undoubtedly is, then it logically follows that Congress has the power to pass any law within the limits of its express or implied grants necessary and proper to carry out the foregoing provision of the Constitution.

Mr. EATON. Will my friend allow me to ask him a question?

Mr. MAXEY. Certainly.

Mr. EATON. He speaks of the two Houses being organized for business. Do I understand him to mean by that, that, when these two Houses meet together for the purpose of having the votes opened and counted, there are two organizations in the same room, one of the Senate and one of the House of Representatives?

Mr. MAXEY. That is precisely what I mean, sir. The Constitution says:

> The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

The word "Senate" means an organized body; the words "House of Representatives" mean an organized body. If it was designed simply to open the votes in the presence of Senators and Representatives, it would have said so; but it says "Senate," which is an organized body; it says "House of Representatives," which is an o-ganized body; and I hold that these two bodies as organized bodies are present, and I have argued that they are present for business, and I think there is force in that view.

The question then is, What law will most effectually secure a fair count of the electoral vote and to each State its undisputed and ines-

timable right of having its true and valid return of the vote of the people through the electors counted beyond peradventure?

Now, I hold that the grant of power to and consequent duty upon the Senate and House of Representatives is a sacred trust of the very highest character devolved upon these two bodies for the soundest of reasons.

The Senators are the direct representatives of the States, or, if you please, the people of the States in their organized capacity under State governments, and the House of Representatives represent the people directly in their primary capacity, and the highest incentives that can impel man to honest action lie before them. These distinguished bodies organized for business, in order to proceed in an orderly manner without confusion, are presided over by the second officer of the Government. His incentive to honest action is of the highest character. Could there be a more enlightened court organized?

Now, as I have said, this duty of opening all the certificates and counting the votes is a trust reposed by the Constitution, the first in the President of the Senate, the second in the two Houses of Congress, and in no other body or persons whatever. It is in its nature like a personal trust, and can be delegated to no power on earth, and necessarily demands sound judgment and discretion. Would any one say that, when the Constitution says in terms "the President of the Senate *shall* open all the certificates," we, or any other power on this earth, can say "the President of the Senate shall not do this, but some other party we name shall do it?" Now, if the argument is sound, as I believe it is, that the two Houses are intrusted with counting the votes, we have no more right or power to take the authority out of the body of Congress to count the votes than we have to take away from the President of the Senate the power of opening all the certificates. It makes no difference that one is by express grant and the other by fair implication; the implied grant once established is just as binding, valid, effectual, and constitutional as the express grant. Therefore, as in the case of the President of the Senate it is clearly and in express terms a personal trust, so by fair implication the grant to the two Houses to count the vote is a personal trust, and cannot therefore be transferred to arbitrators, court, or commission not of the body, however exalted be the personages. If I am correct in my reasoning, it follows necessarily that the amendment of the Senator from New Jersey [Mr. FRELINGHUYSEN] falls. The amendment is as follows:

The difference shall be immediately referred to the Chief Justice of the Supreme Court, the presiding officer of the Senate, and the Speaker of the House, whose decision shall be final. If the Chief Justice is absent or unable to attend, the senior associate justice of the Supreme Court present in the capital or other place of meeting shall act in his place.

And the same is true of the plan suggested by the Senator from Indiana [Mr. MORTON] on Thursday last, and which is:

That the judges of the Supreme Court of the United States shall be assembled in the chamber of the Supreme Court at the same time that the two Houses of Congress are counting the electoral votes for President and Vice-President; and, in case the two Houses shall fail to agree as to which is the true and valid return as provided for in this section, the returns shall be immediately submitted to the said judges, who shall summarily decide which is the true and valid return, which return shall be counted.

The amendment of the Senator from New Jersey [Mr. RANDOLPH] I do not say would be unconstitutional. It reads thus:

SEC. — Should the two Houses of Congress, acting separately, fail to agree as to which is the true and valid return of a State, then, and in that event only, the President of the Senate shall render a decision of the question, and such rendition shall be in favor of that return of a State which shall have received a majority of all the votes cast in both Houses of Congress, considered as if both Houses had cast their votes in joint meeting assembled.

I will say, however, that it does not address itself to my mind as sound. The theory of the Legislative Department of our Government is that Senators represent States in their organized capacities as bodies-politic, while Representatives represent the people directly in their primary capacity. The books tell us that "State" and "people of a State" are interchangeable terms. The whole people of a State in their aggregate capacity as a body-politic are represented in the Senate by two men: Senators; and this without regard to whether the aggregate is great or small, so it is a State. But the House of Representatives, representing the people, is very differently constituted. The State of New York has two Senators and thirty-three Representatives; the State of Delaware has two Senators and one Representative. Now, manifestly, the vote of the Delaware Senators counted along with her one Representative would weigh more than the votes of the New York Senators counted along with her thirty-three Representatives. Such a plan follows no analogy of the Constitution, is not in accordance with the theory of the Constitution, and is, I believe, not the safest or best plan; and this applies also to the amendment of the Senator from Virginia, [Mr. JOHNSTON,] which reads as follows:

If the Senate should vote for counting one certificate and the House of Representatives another, the joint meeting of the two Houses shall finally determine which shall be counted, by States, the representation from each State, including the Senators therefrom, having one vote; but if the representation of any State shall be equally divided, its vote shall not be counted.

The amendment of the Senator from Tennessee [Mr. COOPER] is plausible and would seem to rest upon the supposed analogy between a total failure of the electoral college to elect and the case under consideration, which is a partial failure, in ascertaining by the concurrent vote of the two Houses how one or more of the States voted, whereby they would be thrown out and thus make a partial failure in the electoral college unless a plan is devised to save the vote, and his plan is presented, based I think on this supposed analogy. His amendment is:

And if the two Houses do not agree as to which return shall be counted, then that vote shall be counted which the House of Representatives, voting by States in the manner provided by the Constitution when the election devolves upon the House, shall decide to be the true and valid return.

Now the States as bodies-politic are directly interested in having true and valid returns of the people's votes through their electors. So are the people directly interested in their primary capacity. The question is not the same as that which arises in the House of Representatives when the election of President devolves on that body. The election in the House takes place from the persons having the highest numbers, not exceeding three, on the list voted for as President. There may have been more than three voted for. In that case the Representatives of the State or States whose people voted for one of the dropped candidates cast about for a second choice, and when the third man is dropped his supporters go to a next choice. But in the case in hand it is not at all a question of choice. It is a question of justice and common honesty. The question, and the only question is, Which is the true and valid return? Which represents truly the will of the people as expressed through the electors? In the one case politics have all to do. In the other case, if we are honest, politics have nothing to do. But as I believe Congress (always confining the settlement of this question within itself) can constitutionally adopt this plan, my opposition to it is that I do not think it the wisest and best. Then can the question be constitutionally settled and the rights of the people and of the States saved by a plan alike just to all? The first section of the bill under consideration is, in my judgment, substantially correct. It looks to only one certificate from a State. If the two Houses agree, there is an end of it. If they disagree, the vote shall nevertheless be counted. This is according to well-known principles of law, and I have heretofore said all in regard to that section I care to say.

The second section, so far as it goes, is to me unobjectionable. The trouble is it does not go far enough to provide a remedy to meet an unfortunate case that has arisen in our history, and may again; that is to say, where two certificates come up from the same State, both seemingly of equal dignity and validity. What are you going to do about it? That section reads:

That if more than one return shall be received by the President of the Senate from a State purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, all such returns shall be opened by him in the presence of the two Houses when assembled to count the votes; and that return from such State shall be counted which the two Houses, acting separately, shall decide to be the true and valid return.

This section rightly requires the President of the Senate to open all the certificates. If the two Houses agree that one is the right certificate, then there is no contest, and that certificate ought to be counted. But suppose one House votes that one certificate is true and valid, and the other House votes the other certificate true and valid, then what do you propose to do about that? I asked that question of the Senator from Indiana the other day, and he replied that in that case the vote of the State would fall. He deplored this result, but saw no way then of avoiding it. That cannot be. We must give force and effect to every part of this constitutional provision, if this be possible. Justice to the States, to the people, to the whole Union, a sacred regard for the peace and stability of the Union, demand that this problem should be solved.

The clause of the Constitution under consideration reads:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

Clearly all the votes embraced in the true and valid returns or certificates are to be then counted; not part, but all; not at some future time, but then. Now it follows that of those presented, one from each State, is the right return; but one House says one is valid; the other says the other is valid. It is no uncommon thing in Legislatures and courts that opinions divide; still in a judiciously organized court, or in a Legislature, we get a binding decision of the question. So I think we can here.

Clause 4, section 3, article 1, of the Constitution reads:

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

Clause 5, same section, reads:

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

Now here we have two organized bodies—the Senate and House of Representatives—required by the Constitution to be present when the certificates are opened and the votes counted, and the President of the Senate is also required to be present, and to open all the certificates. None others are required to be present. In an orderly proceeding, such as this great occasion demands, a presiding officer over these two organized bodies, assembled for a common purpose—the two bodies that comprise the Legislature of this Union—is necessary in the due order and eternal fitness of things. When these two bodies thus act the senior presiding officer should preside, to wit, the President of the Senate, and this bill recognizes this fact and so provides.

Section 1, after providing for the assembling of the two Houses,

goes on, in lines 7 and 8, * * * "and the President of the Senate shall be their presiding officer."

Now here we have an organization and a presiding officer over that organization. A Senate, separately organized, representing States, which, as an organization, can withdraw in an orderly manner, and the House, representing the people, which can in like manner withdraw. Their deliberations concluded, they return and report to the common presiding officer, who is the second officer of the Government, and ordinarily elected by the people, filling the double capacity of Vice-President of the United States and President of the Senate. Suppose the House decides in favor of one certificate, the result is announced, and that is the vote of the House. Suppose the Senate decides in favor of the other certificate, the result is announced, and that is the vote of the Senate. Now these two votes are of precisely equal weight and equal dignity. In all like cases the vote of the presiding officer decides the question, and so it should be here, and in my judgment this is the true solution. The Senator from Maryland read the opinion of Chancellor Kent in support of his position. The opinion read by him I think precisely accords with the opinions I have expressed. Chancellor Kent presumes that in the absence of all legislation the President of the Senate should count the votes as well as open all the certificates. It follows that in the presence of legislation devolving the counting of the votes in the first instance upon the two Houses the President of the Senate would not have such authority. But another valuable lesson is learned from this same opinion of Judge Kent. If in the absence of legislation the President of the Senate could count the vote, then *a fortiori* in the presence of legislation devolving this duty upon him, (he being part of the Senate, and thereby of Congress,) most assuredly, in a certain contingency, he could count the vote.

Now where the two Houses fail to agree it is the same in result as if no law had ever passed authorizing them to count the vote, in which case, applying the views of the distinguished chancellor, the count would fall upon the President of the Senate. The precedent relied on by the Senator was not a precedent under the Constitution, but a plan adopted to put the machinery of the new Government in motion under the Constitution.

I will recall to the minds of Senators a few facts of history at this point which perhaps throw some light on the precedent from which the Senator from Maryland has read. The Congress of the confederation was in session at the city of Philadelphia in 1787, at the same time that the convention was in session. The convention, having closed its labors, through its President, General George Washington, made report thereof to the Congress of the confederation. In that report you will find, over the signature of General Washington, this recommendation, (and I will read only so much as pertains to the question before us:)

> That the Senators should appoint a President of the Senate for the sole purpose of receiving, opening, and counting the votes for President; and that after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

Thus it will be observed that the purpose and design of this was to pass without a shock from the old Government under the Articles of Confederation to the new Government under the new Constitution; and as Congress had never yet sat, as the Constitution had not been set in action, as the machinery of government had not been put in motion, the convention which framed the Constitution recommended to the Congress of the Confederation this mode. The Congress of the Confederation submitted by a resolution the work of the convention to the States for their ratification or rejection. At the first session of the First Congress succeeding the ratification of the Constitution by more than nine States, this resolution was introduced, that a President *pro tempore* of the Senate should be appointed for the sole purpose of receiving and counting the electoral votes. It was not a precedent under the Constitution, but a precedent adopted for the very purpose of setting the machinery of the Constitution in operation. Therefore I think that precedent is not applicable to the case at bar.

Where the presiding officer is President of the Senate *pro tempore*, then I think his State cannot be deprived of its equal vote in the Senate; still, while in this exceptional case the President of the Senate *pro tempore* acts in a double capacity, I do not think it at all changes the conclusions to which I have arrived.

An objection has been urged that the Vice-President may be a candidate for re-election or for the Presidency. So may any man or men you select, if they possess the constitutional qualifications; so that if this proves anything it proves too much. In the argument I have made I have not in the slightest degree taken into the account what may be the effect on parties. I have tried to arrive at a plan constitutional, simple, and most likely to prove satisfactory to the whole people. In conclusion, permit me to say that I rejoice that so great a question has been all the way through calmly, deliberately, and intelligently discussed in a spirit of fairness and freedom from partisan spirit, and I trust the wisdom of the Senate will devise some plan to meet every phase of this great question with which both Houses of Congress and the country will be satisfied.

In view of what I have said, Mr. President, I would suggest, though it is not in order now, at the end of the second section to add:

> But if the two Houses fail to agree as to which of the returns shall be counted, then the President of the Senate, as presiding officer of the two Houses, shall decide which is the true and valid return, and the same shall then be counted.

Mr. JONES, of Florida. Mr. President, I do not come before the Senate to-day with any plan to remedy this great difficulty. Much has been said here which meets my approval, and many plans have been proposed for adoption; but I propose to discuss the question as a constitutional question, and I intend to present to the Senate the reasons why I cannot support the present bill, or any of the amendments that are now proposed.

The bill before the Senate implies so much that we ought all be loth to admit, that nothing but the strongest reasons should induce us to pass it even if we had the power. It presupposes contingencies and dangers that can never arise under a healthy administration of the governments of the States of this Union.

I believe that this bill involves a plain departure from the Constitution, and provides machinery for determining the will of the people in elections for President and Vice-President not warranted by that instrument.

In principle it does not differ at all from the twenty-second joint rule so much condemned by Senators on this floor. That rule authorized either House of Congress to throw out the electoral vote of a State or of ten States when objection was made to them. This bill gives jurisdiction to the two Houses of Congress to do the same thing in a less offensive manner; for it provides that, if objection be made to the certificate from any State, the vote of such State may be excluded altogether by the two Houses of Congress.

The second section goes much further than this, and provides that, if more than one return shall be received purporting to be electoral certificates, all such returns shall be opened by the President of the Senate; and it is left to the two Houses, acting separately, to say whether any returns from such State shall be received or not.

Let us analyze these sections, and see what cases they provide for. The first section provides for the case of a single electoral return from a State to which objection of any kind is made by anybody and stated by the President of the Senate. The moment objection is made this law gives to the two Houses of Congress authority to settle the disputed question by rejecting the vote of one State, or of ten States, if the two Houses should concur in such rejection.

The law does not inform us what must be the character of the objection or whence it must come in order to justify the exercise of such an extraordinary power or jurisdiction. Shall the objection be technical or substantial? Shall it relate to the form of the certificate, the authority of the electors who signed it or of the governor who certifies to their identity? Shall the objection prevail for the want of a seal to the certificate, or other formal requirements, or must it go to the very right and title of the persons claiming to be the legally-elected electors?

This part of the bill vests an absolute power of rejection in the two Houses, for it makes the vote of each State depend upon the will and pleasure of these bodies. I cannot imagine a case where there is but a single certificate of election in which either House of Congress or both Houses would be justified in rejecting it.

The second section of the bill provides for the case of two returns, a contingency that is hardly supposable except in a case of revolution. The Constitution vests in the several States the power to select in their own way the electors for a President and Vice-President. Those officers, although vested with a duty which concerns the whole Union, are not officers of the United States. They are elected in conformity with the State laws, the same which govern the election of members of the Legislature, governor, and other local officials. They may be appointed by the Legislatures or they may be elected by the people of the several States.

The view entertained of their duties by the framers of the Constitution, as we know, was very different from that which now prevails regarding them. It was expected that they would exercise an independent judgment in voting for President and Vice-President. But we know that under the present practice they meet only to record the will of those who elected them. But the mode and manner of their election was left to the laws of the States. This of necessity involves the right to determine all cases of contest arising out of the claims of rival candidates.

The Constitution of the Union was created by people living under organized governments, and it was intended to operate over them only in that state. In construing the Constitution we must look to the view which was entertained by its framers of the powers of the electors. They are to be selected by the States in such manner as their Legislatures shall determine. It was intended that they should vote for whomsoever they pleased for the two first offices in this Government.

No person holding any office of honor and profit under the United States can become an elector. No Senator or Representative in Congress can become such. The selection of those officers was left exclusively to the States, and every question arising out of their election or appointment was left of necessity with the same authority. The laws of the States provide the manner in which these persons shall be chosen, and they may provide also who shall determine in cases of contest and difficulty, the persons who have been duly elected. Whatever may be the decision of the State authorities, or by whom made, it is binding on the United States. This bill proposes to take this power from the States and vest it in Congress, because I contend that the right of ultimate decision between two persons claiming a single office is a right which flows from the authority, and the authority alone, that orders and controls the election. Will any

one deny that the States cannot provide by law for determining cases of contest between opposing candidates for the office of elector? If they can, and the tribunal fixed by the local law is vested, as it must be, with the right of exclusive judgment, how can the same power of decision be exercised by another authority under a distinct government?

This power belongs either to the States or to the Union. If to the latter it cannot be reconciled with the express authority vested in the States by the Constitution.

But it may be said, Mr. President, that the object of the present law is to provide for the case of two rival governments, and that it is intended to give to Congress the power to decide between them when determining the electoral vote of the State. Sir, I protest against this dangerous doctrine. There is no such power vested in Congress or in either House of Congress. If this or the other House has authority to decide the question at all, it must be an exclusive authority, an authority from which there can be no appeal.

The Constitution contemplates that all the States of this Union shall always be connected with this Government by certain constitutional ties. In the very nature of things there never can be but one government in a State with which this Government can have constitutional relations, or that can claim recognition from the authorities of the United States.

The governments of the original States, differing as they did in many respects, were all recognized as legal governments, and so were all the governments of the States admitted into the Union afterward. But the framers of the Constitution were far-seeing men, and they foresaw that it was possible that the State governments, having legal relations with that of the United States, might be overthrown by usurpation or domestic violence too powerful for the local authorities to resist. And what did they do? Did they leave the matter to be decided by one or both Houses of Congress when the electoral vote of the State was counted? No, sir. They *made* it the duty of the United States to guarantee to each State a republican form of government, and to protect them against invasion; and upon application of the Legislature or the executive against domestic violence.

It is impossible in the very nature of things that the lawful and rightful government of a State can be destroyed, or a rival power established or put in operation, if this authority vested by the Constitution in the United States is faithfully and honestly exercised. It will be apparent that the Constitution contemplates that there will always be in existence in each State either an executive or a Legislature which will be entitled to make the application provided for in case of threatened danger to the local government.

It is true that it is not every case of local disturbance that will call for the exercise of Federal power. But I do say that this is the remedy provided by the Constitution for maintaining intact the lawful governments of the States and to enable them to fulfill the duties which they owe to the people and to the United States.

What right have we to suppose that there will be two certificates from two sets of electors and two governors? The electors must all be elected under the State laws and certified by the governors of the States. These laws all provide for the canvassing of the votes by State officers, who are sworn to perform their duties. The governors are all sworn likewise to do their duty and are liable to impeachment if they willfully fail to perform it.

This bill looks only to the certificates of the electors; but it is manifest that under an authority to look into the certificate of the elector the right will be claimed, and may be exercised, to inquire into the election of the electors themselves.

Now, I wish to know if gentlemen are willing that either House of Congress, in any event that can be supposed or imagined, shall go into an investigation of an election in a State held for electors of President and Vice-President. And that is what this bill proposes to authorize.

Now, I say that it would be as just, as proper, it would be as constitutional to give to Congress the power to investigate State elections held for governor and other local officers as it would be to authorize the same body to investigate elections held for electors. This is a proposition which I defy any one to dispute.

The right of the States to elect or appoint electors, although derived from the Federal Constitution, is just as complete and perfect and independent as the right to elect a governor. The act provides that, if more than one return shall be received by the President of the Senate purporting to be certificates of electoral votes, that return shall be counted which the two Houses, acting separately, shall decide to be the true return.

The Houses are to withdraw to discuss and decide this question, and although debate is limited to two hours there is no limitation as to the time the investigation shall last or the range it shall take. On the contrary, the Houses, instead of being confined to the objection raised to the returns, may also decide any question pertinent thereto, and Congress is the sole judge of what is pertinent. And then the law, instead of providing that the main question shall be put after debate, simply gives the power to the majority to direct that it shall be put. Is it not known to Senators that elections take place in all States for Legislatures and State officers on the same day that the election is held for President; that both elections are held under the same law, by the same officers?

Now by giving authority to Congress, as is proposed by this bill, to decide upon the validity of an election held for electors, you open up the whole subject of State elections to the review of Congress. You give to this body and the other House the power to strike down the most essential rights of the States, and make the right to vote by ballot at a State election an empty privilege to be exercised subject to the control and censorship of Congress.

Why, sir, under the second section of this bill, either House of Congress can bring the whole returns of a State election here or can send a committee to the State and investigate anything and everything they please in connection with a local election. Yes, sir, and in defiance of State laws and constitutions, Congress can disregard the sanctity of the State ballot, and can force the citizen under oath to disclose how and for whom he voted.

This is a power which never was intended to be lodged in either House of Congress. But it may be said that the bill only gives to the Congress the right to decide which is the true return, and that in the absence of some provision of law the same right will devolve upon the President of the Senate. I deny that this is so. The right to decide which is the true return in the case provided for by the bill, if it means anything, means a right of determining whether or not the electors who made them were legally elected.

How is this question to be settled? Certainly not by looking at the face of the returns. It can only be decided by investigating the primary election. The case contemplated by this law is not the case of double returns coming from the same body of electors—that is a case which is not supposed—but it is the case of two returns coming from two rival bodies of electors.

In the first case the only question would be, who received the majority of the electoral body? But in the other case, and the only case which the second section of this bill provides for, the question always must be which of the rival bodies whose returns are before us was legally elected; and a mere statement of the proposition is enough to show to any mind what is involved in such an inquiry.

The President of the Senate is invested with no such power by the Constitution. It is true that it was expected that such a thing as two rival powers in a State might exist, but the Constitution did not intend to leave the decision of the claims of such powers to recognition to the judgment of either House of Congress. The President of the Senate was assigned a simple ministerial duty, to count the electoral votes in the presence of the two Houses of Congress, and in view of the safeguards provided against usurpations and illegal governments in the States it was not thought possible for any returns to find their way here except such as came from the local authorities of the States having recognized constitutional relations with this Government.

The United States had pledged all their power to the executives or Legislatures of the States in order to protect them against illegal authority. The simple recognition by President Tyler of the charter government in Rhode Island had the effect of ending the contest in that State between the rival powers. Suppose in that case the Dorr party had elected presidential electors and they came here with certificates, would there have been any trouble in deciding whether or not they should be received? The duty of the President of this body was the same at that time as it is now. Yet I imagine no one will say that he would have had any discretion to exercise in counting the vote of Rhode Island.

Mr. President, this Government was founded in a great part upon the virtue of the people. It was not expected, sir, that our rulers would require penal statutes to compel them to discharge their duty. When Mr. Webster was reminded that the States by refusing to elect Senators could stop the operations of this Government, his reply was that it could not be done except by blackening the souls of State officers with perjury. If we have arrived at that point when we cannot trust our highest officers in the discharge of their plainest duties because of their party feelings and prejudices, we may rest assured that all the legal ingenuity of this body will not be able to devise laws that will preserve the principles of our Constitution.

The first section of this bill, as has been said by some of the Senators who have spoken, is comparatively harmless. It provides for the case of a single electoral certificate to which somebody may make an objection, and thus devolve upon the two Houses of Congress the unpleasant duty of deciding the question. It is the second section that is so full of danger in my opinion. It attempts to provide a remedy for the case of two electoral returns sent here from a State.

Now I submit to the Senate whether it would not be better to try and prevent two returns from coming here than to undertake to constitute a tribunal to decide between them after they are received.

We know that it was never contemplated that more than one electoral return would come from a State. In the nature of things there can be but one legal return. It never was intended that the President of the Senate should receive more than a single certificate of the electoral vote of any State, and his duty under the Constitution is purely ministerial, to count the vote.

It never was the purpose of the Constitution that any contest whatever should be carried on here respecting the vote of a State for President and Vice-President. The danger in such a case depends not so much upon the fact of two returns, as upon the body which undertakes to decide between them. If the decision of the question is remitted to the State in which the contest arises it is impossible that any trouble can flow from it.

Senators have spoken with great force and emphasis of the propriety of following as near as possible the spirit of the Constitution in framing a law upon this delicate subject. Now does it not occur to every one that the great source of danger in this case lies in the jealousy between the State and Federal authorities?

If a State should fail to vote or should voluntarily refuse to send here her electoral returns, such contumacy could lead to no serious trouble. But if this body were to disregard the vote of a State, such action would excite at once a spirit of indignation if not resistance, unless the very clearest grounds and reasons could be given for such a proceeding. But, sir, the assumptions of this bill amount to the assertion on the part of each House of Congress of an arbitrary right of rejecting the electoral vote of a State. In the event of two returns coming here, that one shall be received which both Houses acting separately shall decide to be the legal return.

This language is calculated, I think, to create a misconception as to its true meaning. It may seem to imply a duty on the part of each House to canvass the vote and count in the return of the State. That is not the case. The sense of the section may be stated thus: When two returns are received by the President of the Senate from any State, the vote of such State shall not be counted unless each House of Congress acting separately shall so decide. I say that this amounts to an arbitrary right of rejection on the part of the two Houses of Congress.

There is no cause stated in the bill which must be found to exist before the State is disfranchised. There is no mode of trial pointed out which shall precede the judgment of the House upon this momentous issue. No provision is made for securing to the State interested an opportunity to be heard before a judgment is rendered against her. The Senate or the House may resolve to do this business in secret and exclude the world from all knowledge of the grounds of their decision.

The Constitution contemplates that the counting of the electoral vote and all decisions affecting it shall be made under circumstances which place it beyond the power of either House of Congress to withdraw their proceedings from the public gaze. We know that when they meet together in the Hall of the House of Representatives to witness the counting of the electoral vote they are beyond the operation of those rules and principles which were intended to control them in their legislative character. The two Houses can do no legislative business together, and the whole legislative power of the Union is vested in them in their separate character as Senate and House of Representatives.

As I said awhile ago, it is insisted that the power of decision proposed to be given by this bill is the same that may now be exercised by the President of the Senate in the emergency stated; that this right flows as an incident from the duty devolved upon that officer to count the votes. This proposition is to me very illogical, for, if the President of the Senate has a right under the Constitution to decide all questions incident to the counting of the votes, how can Congress take it from him and vest it in another body? Upon the other hand, if no power of rejection is vested in the President of the Senate by the Constitution, such as this bill gives to the two Houses, on what principle of constitutional law can it be claimed that an omission in the Constitution to vest this power in any body or officer can furnish authority for the two Houses of Congress to confer it upon themselves?

The Constitution has provided the mode and manner of returning and counting the electoral votes. It took jurisdiction of the whole subject. Its sense and meaning are to be collected as well from what it has omitted as from what it contains.

When the great case of Gibbon *vs.* Ogden was before the Supreme Court of the United States Chief Justice Marshall, for a time, was very greatly embarrassed in his judgment by the powerful arguments that were made at the bar.

Mr. Emmett, one of the distinguished counsel, maintained that, while the Constitution vested Congress with the power to regulate commerce, so long as Congress did not exercise the whole power, it was competent for the States to legislate in respect to any branch of the subject not provided for by some positive legislation of the General Government.

Mr. Webster replied (and this was the argument that impressed itself most upon the mind of the great judge) that, while there were some powers in the Constitution that were not in their nature exclusive and were not inconsistent altogether with legislation on the part of the States, still the commercial power was exclusive, and when this was conceded it was possible that Congress intended, by omitting to legislate touching a particular subject, to exercise the very power of regulation which was conferred upon Congress by the Constitution.

Now, sir, there are some parts of the Constitution to which this argument can fairly be applied when the question is whether a particular power is vested in Congress by the Constitution. I know that Congress is invested with the power to pass all laws which may be necessary and proper for carrying out the powers vested in the Government or any officer or department thereof.

The authority proposed to be given to the Senate and House of Representatives by this bill cannot surely be derived from any of the express powers of the Constitution. There is not a word said in the article which contains the delegated powers on this subject of counting the electoral votes. All that the Constitution says in regard to the electoral vote is to be found embodied in the second article. That article provides the mode and manner of returning and counting that vote. If it was intended that Congress should exercise authority over this subject by general legislation, why is it that the Constitution, instead of giving as in other cases a general power to Congress, has anticipated such legislation by a lengthy provision specifying particularly the manner in which the voice of the electors shall be ascertained? It was not the intention of the Constitution to leave to Congress the power to determine how the President and Vice-President should be elected. This is clearly indicated by the express words of the first section of the second article. After vesting the executive authority in these officers, it provides that they shall be elected as follows:

> Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

After having stated in detail how the election shall be held and the returns made, the very same section specifies the part which Congress may take in this important business. It says:

> The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

If the framers of the Constitution had supposed that Congress, under the general power to pass all laws necessary and proper to execute the powers of the Union, could determine the time of choosing the electors and the day on which they should vote, they were certainly at fault for having encumbered the Constitution with this unnecessary provision.

This clause shows that they weighed this subject with great care, and that they thought it necessary not to leave to Congress any implied power over the election of President.

Now, sir, the power to decide whether the votes of two or ten States shall or shall not be counted is a far more important and delicate power than that given to Congress in express terms to fix the time of choosing the electors. And am I not warranted in saying that, if the Constitution intended that Congress should have any more extended power than is conferred by this clause, it would have said so in plain language?

The right of Congress to exercise implied powers cannot be doubted. But it cannot be denied that, in exercising implied powers, we are limited by the purposes for which they were granted for carrying into execution the expressly delegated authority of the Constitution.

We may pass laws which are necessary and proper for carrying into execution the foregoing powers and all other powers vested by the Constitution in the Government of the United States, or any officer or department thereof. This is the language of the Constitution.

We have seen that all the power vested by the Constitution over the election of President is to be found in the articles of the Constitution which I have cited. This limits the authority of the two Houses over such election to the right of being present at the counting of the votes, and to fix the time of choosing electors and the places where they shall vote. Can we derive the authority to decide in the last resort between two electoral returns from a State from the power conferred upon us to witness the counting of the votes?

But, sir, I am free to admit that the evils apprehended by this bill and the several amendments proposed call for some remedy. And while I am well satisfied that we have no authority to give to either House of Congress, or to any other body or tribunal, the power to determine whether or not the electoral vote of a State shall be counted, I still believe that we have authority under the Constitution to so guard the rights of the lawful governments in the States as to render the difficulty which must flow from two returns impossible.

Now, sir, the guarantee clause in the Constitution was intended, first, to protect each State against invasion; secondly, against a usurpation of its government by preventing the overthrow of a republican form of government; and, thirdly, the protection of their governments against domestic violence. The guarantees against invasion and to secure a republican form of government were intended for the benefit of the people of each State, independent entirely of their State organizations. It was apprehended that the ambition of their local rulers, yielding to the influence or seductions of foreign enemies, might, as in the ancient confederacies, induce them to place the people under a foreign yoke, and subvert their local governments. Hence the right to interfere in case of invasion or to enforce the guarantee of a republican form of government is not made to depend upon the application of either the Legislature or the executive of the State; but the guarantee against domestic violence, which was intended to protect the local government, can only be made effectual when application is made in due form by the organs of such government—the Legislature or the executive.

The object of the last guarantee was to secure to each State a single lawful government, and the whole power of the Union is pledged to secure that end. I am sure that I need not argue here that so long as there exists in a State but one legal government, with fixed relations toward this Government, such a difficulty as that provided for by this bill cannot arise.

Congress, as the representative of the sovereignty and power of the United States, is charged with the high duty of carrying out these

guarantees. It is beyond doubt its duty to secure the rightful government of each State against such violence as may prevent its authorities fulfilling their duties toward the United States by electing Senators and electors.

When there are two legislatures and two governors, Congress must decide which of them is legal. This is what Chief Justice Taney called "political recognition." And when this is done, the acts and proceedings of the authorities so recognized, in the language of the Supreme Court, bind all the departments and the officers of this Government.

The Supreme Court in the case of Luther *vs.* Borden decided that it was competent for Congress to designate a court and give to it power to decide when the exigency had arisen when the power of the United States should be interposed to protect the lawful government of a State. Why may not such a tribunal be designated now; one which is placed by the character of its judges above all suspicion of party bias or prejudice, and to which the whole country can look up with confidence when difficulties come upon us? If such a tribunal can be designated, or if Congress itself will exercise with fairness and justness this high power conferred upon it by the Constitution, you need have no fear, sir, that two electoral returns from a single State will ever find their way here.

It has been argued by Senators on this floor since this debate began that this is a judicial function; that the duty proposed to be given to the Senate and the House is judicial in its character. Some say that it is ministerial. The Senator from Indiana [Mr. MORTON] says it is judicial. I have but this to say, in concluding my remarks, that if this be a judicial duty, I want Senators to answer me where this body gets power to delegate a judicial function to either House of Congress.

The Constitution provides that all judicial power "shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish." All legislative power by the same instrument is vested in the Senate and in the House of Representatives; and all executive power is vested in the President. If this be, as some claim it is, a judicial duty, I ask, Where is the power to give it to either House of Congress?

Mr. MERRIMON. Does not the Senate very often exercise judicial functions?

Mr. JONES, of Florida. I do not think so. If it does, it is without the warrant of the Constitution. No judicial function belongs to this body except in the single case where the Constitution invests it with such power.

Mr. MERRIMON. The very question is whether the Constitution itself has not imposed the duty upon Congress to count the votes and decide all questions in connection with the count.

Mr. JONES, of Florida. I admit that the case of deciding whether a person is entitled to a seat on this floor or in the other House is an exception, because the Constitution has made it an exception, and we may, in determining upon the right of a Senator to a seat on this floor, exercise judicial functions; but when it comes to the delegating of judicial power generally, I do not believe that this or the other House has any right to delegate it except to some court in accordance with the Constitution.

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

Mr. EATON. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. The first amendment was offered by Mr. COOPER, to add to the second section these words:

> And if the two Houses do not agree as to which return shall be counted, then that vote shall be counted which the House of Representatives, voting by States in the manner provided by the Constitution when the election devolves upon the House, shall decide to be the true and valid return.

The pending amendment of Mr. FRELINGHUYSEN is to strike out all after the word "agree," in the first line of that amendment, and insert:

> The difference shall be immediately referred to the Chief Justice of the Supreme Court, the presiding officer of the Senate, and the Speaker of the House, whose decision shall be final. If the Chief Justice is absent or unable to attend, the senior associate justice of the Supreme Court present in the capital or other place of meeting shall act in his place.

The PRESIDING OFFICER. The pending amendment is the one offered by the Senator from New Jersey.

Mr. STEVENSON. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. JOHNSTON. I thought the amendment of the Senator from New Jersey was the one pending before the Senate.

The PRESIDING OFFICER. It is the pending amendment, being an amendment to the amendment offered by the Senator from Tennessee.

Mr. RANDOLPH. I think the Senator, and perhaps the Senate, is under some misapprehension as to which amendment is pending. The question is not on the amendment offered by the Senator from New Jersey now on the floor. The question is on the amendment of my colleague.

Mr. JOHNSTON. I so understood.

The question being taken by yeas and nays, resulted—yeas 20, nays 29; as follows:

YEAS—Messrs. Allison, Anthony, Bruce, Burnside, Cameron of Pennsylvania, Conkling, Dawes, Ferry, Frelinghuysen, Hamlin, Howe, Logan, McMillan, Morrill of Vermont, Morton, Paddock, Robertson, Sharon, West, and Windom—20.

NAYS—Messrs. Bayard, Bogy, Booth, Boutwell, Christiancy, Cooper, Davis, Eaton, Goldthwaite, Gordon, Ingalls, Johnston, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, Maxey, Merrimon, Mitchell, Norwood, Randolph, Ransom, Saulsbury, Stevenson, Thurman, Whyte, and Withers—29.

ABSENT—Messrs. Alcorn, Cameron of Wisconsin, Caperton, Clayton, Cockrell, Conover, Cragin, Dennis, Dorsey, Edmunds, English, Hamilton, Harvey, Hitchcock, Jones of Nevada, Morrill of Maine, Oglesby, Patterson, Sargent, Sherman, Spencer, Wadleigh, Wallace, and Wright—24.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Senator from Virginia [Mr. JOHNSTON] to the amendment offered by the Senator from Tennessee, [Mr. COOPER.]

Mr. JOHNSTON. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. RANDOLPH. I suggest that the amendment had better be read.

The PRESIDING OFFICER. The Clerk will report the amendment.

The CHIEF CLERK. The amendment offered by Mr. COOPER is in the following words:

> And if the two Houses do not agree as to which return shall be counted, then that vote shall be counted which the House of Representatives, voting by States in the manner provided by the Constitution when the election devolves upon the House, shall decide to be the true and valid return.

The amendment to the amendment, offered by Mr. JOHNSTON, is to strike out all after the word "and," in the first line of the amendment just read, and insert:

> If the Senate should vote for counting one certificate and the House of Representatives another, the joint meeting of the two Houses shall finally determine which shall be counted by States, the representation from each State, including the Senators therefrom, having one vote; but if the representation of any State shall be equally divided, its vote shall not be counted.

Mr. MORTON. I voted for the amendment offered by the Senator from New Jersey [Mr. FRELINGHUYSEN] because if we are to establish an umpire to decide between the two Houses I believe his amendment much preferable to that offered by the Senator from Tennessee, [Mr. COOPER.] I believe, however, the proposition to vote by States, whether the vote is to be cast entirely by the members of the House of Representatives or cast by them in conjunction with the Senators, to be the most objectionable plan that could be adopted.

Mr. STEVENSON. I am aware, Mr. President, of the difficulty involved in the solution of this question, nor do I undervalue its magnitude. I have given to its consideration the time and reflection which its importance demands. I have sought light in the ways of our fathers in the early Congresses. I have listened with great interest to the very able discussion which the subject has evoked in the Senate; and I frankly confess, sir, I have been unable to reach the conclusion that any of the legislation proposed by the pending amendments is sanctioned by the Constitution.

I concur in the able argument of the Senator from Maryland, [Mr. WHYTE.] I agree with him that the President of the Senate of the United States is the only agency selected by the framers of the Constitution and named in that instrument as invested with the sole power of receiving, opening, and counting the votes for President as returned by the electoral colleges and of declaring the result of that election. The Constitution declares that—

> The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice.

Such I take to be the meaning, if not the very letter of the Constitution. Let us look to it as I have quoted it, words touching the duty of the Vice-President. The provision on this subject must be looked to as a whole and so construed as to make all its parts harmonize. The Constitution provides for the election of President of the United States. It was not by a direct vote of the people, but by a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled, but with this important exclusion that no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector. Mark that, sir. The Constitution further requires that these electors shall meet in their respective States and vote by ballot for two persons—one for President and the other for Vice-President.

These electors are required to make a list of all the persons voted for and of the number of votes for each; which list they shall sign and certify and transmit sealed to the seat of Government, directed to the President of the Senate. This was a singular and somewhat curious innovation upon popular suffrage. It was a well-guarded instrumentality of an electoral college through which the popular voice was to select the President and Vice-President instead of by a direct

vote. It seems to have been especially guarded from congressional interference in forbidding any Federal officer to become an elector. When these electors had been elected by the people and cast their votes in such manner as the Legislatures of the respective States might by law declare, then the results of the respective ballots by these electors in each State for President and Vice-President were transmitted to the seat of Government, directed to the President of the Senate.

Then come the provisions of the Constitution already quoted by me above prescribing the duties of the President of the Senate touching these returns. No one doubts that the President of the Senate is to break the seals of the certificates from the electoral colleges as to the votes for President and Vice-President. No one doubts that this duty is to be done in the presence of the Senate and House of Representatives. "And the votes shall then be counted." That is, the tellers are to put down the whole number of votes cast by the electors for President and Vice-President as shown by these certificates opened by the President of the Senate, and the result is then announced by him. This opening and counting by the President of the Senate is to be done without interference and without restriction, as I think, from any quarter. This is what I think is the true language and intendment of the Constitution.

The President of the Senate shall, in the presence of the two Houses, open all the certificates, and the votes shall then be counted. By whom? Clearly by him to whom they were directed; by whom they were opened; counted in the presence of the two Houses of Congress, as chosen witnesses selected by the Constitution to see that the certificates of the electors were all counted, and the results of such certificates to be recorded by the tellers; and the result was then to be announced by the President of the Senate whether any one had received a majority of the whole number of electors appointed, for President and for Vice-President. If so, then the persons receiving such majority for President and such majority for Vice-President were to be declared by the President of the Senate duly elected President and Vice-President of the United States. But it is insisted that because the Constitution does use the words "by the President of the Senate" after the words "shall then be counted," that the two Houses of Congress and not the President of the Senate are to count the votes for President and Vice-President.

I cannot concur in this construction. I do not believe that the two Houses of Congress are invested by the Constitution with any such power. I do not believe that the framers of that instrument ever intended that Congress should have any power or jurisdiction whatever over the certificates of the electoral colleges. Neither the spirit or letter of the Constitution clothes them with any such power. No provision seems to have been made for a contested election of President or Vice-President by the framers of the Constitution. To reach and provide for such a *casus omissus* the Constitution must be amended.

Had our fathers provided for such a contested election, I do not believe that they would have intrusted it to Congress. They were careful to guard all members of Congress and all Federal officers from being eligible as electors.

The very vice of the legislation proposed by these amendments is to give to Congress a power and control over the certificates of the electoral colleges that I wish to guard against.

The President of the Senate was the chosen instrumentality provided in the Constitution to open and break the seals of these certificates, in the presence of the Senate and House of Representatives, count the votes evidenced by these certificates, and have them recorded by the tellers.

Nobody doubts the power of the President to announce the result of the ballotings of the electoral colleges when ascertained by an examination of these certificates. And yet there is no express words in this clause of the Constitution which declares he must announce this result. It is but a direct legal implication of precedent words. So I insist that the words "shall then be counted," following the words empowering the President of the Senate to break the seals and "open all the certificates," evidently mean that the counting shall be by him. Why, Mr. President, the whole counting amounts to nothing more or less than the enumerating of the action of the electors. It is merely ministerial. The President of the Senate cannot alter, suppress, modify, or change one iota of the results shown by these certificates from the electoral colleges. He merely ascertains the action of these electors and announces it. If no one has received a majority of all the electors appointed in the several States, then the House of Representatives is to elect the President, giving each State one vote.

If two candidates have received an equal number of votes for President and there is a tie, then Congress does not decide, but the House of Representatives is to choose one of them by ballot.

All these amendments assume a power in Congress over the presidential election which I utterly deny is conferred by either the letter or spirit of that great charter of liberty. At least as I read it—I beg Senators to pause—and as we have gotten rid of that odious joint rule which threatened such danger to popular government, let us stand by the action of our fathers until some amendment to the Constitution providing for a contested presidential election is proposed and adopted. I may be blindly in error in despite of my efforts to obtain light, but I see nothing but mischief in these amendments. I see no warrant in the Constitution for their enactment.

I voted against the amendment of the Senator from New Jersey, [Mr. FRELINGHUYSEN,] not only because we, in my judgment, have no constitutional power to select an arbiter to decide a presidential election, but for reasons of obvious impropriety if the power existed.

It might so happen that the power of the Supreme Court might in some extreme case be invoked to settle judicially the title of an incumbent elected by the people to the Presidency; but, the certificates of the electoral colleges suppressed or their results not properly reported, I do not say that the Supreme Court are invested with such power. I see, however, that in the debate in 1857 on the counting of the electoral vote it was stated that the Supreme Court might be called on judicially to settle the title of a claimant under the popular vote to the Presidency.

I can without any stretch of fancy imagine a case—not very probable—where the people had clearly elected a President of the United States and the certificates showed a clear majority of votes of the electors as having been cast for him—if the President of the Senate should refuse in such case to announce the result of the vote of the electoral colleges, and in presence of the Senate and House of Representatives attempted, for any cause whatever, grossly to violate his trust by fraudulently withholding the certificates with a view of defeating the popular voice, that there might be relief afforded by the Supreme Court of the United States. I will not undertake to specify the mode. I will not say that the Supreme Court would possess such power. The very fact that such jurisdiction is barely possible is enough to defeat the amendment of the Senator from New Jersey.

Mr. HOWE. I want to ask the Senator to what debate he alludes?

Mr. STEVENSON. I think it was the debate in February, 1857, on the election of Buchanan and Breckinridge, when the vote of Wisconsin was counted by the President of the Senate although Wisconsin had voted on a day different from that prescribed by the act of Congress throughout the United States for the presidential election.

My recollection in that discussion is that at least one Senator stated that the power of the judiciary might be invoked in a case of wrong to pass on the election of President by the people in case of wrong or fraud. I do not remember that the statement was denied, although it may have been.

Mr. President, I deny that the power of Congress to witness the counting of the votes confers any power whatever upon that body to control the election of President, to correct any errors of the electors by exclusion, or to regulate a contested presidential contest. Still less can I consent to infer such a power from the clause relied on by the advocates of these amendments empowering the President of the Senate to open the certificates and count the votes in the presence of the Senate and House of Representatives.

Let us stick to the precedents of the early and better days of our fathers. John Langdon was elected President of the Senate especially to open and count the votes for President and Vice-President. For fifty years we went along under that practice, without mischief or bad results. Let us adhere to it. Let us not exercise doubtful power.

Mr. President, I will never believe, I cannot consent to believe, that any Vice-President or any President of the Senate will ever degrade himself, dishonor his country, and falsify his official vow by any improper tampering with returns and imposing on the people of the United States by fraudulently defeating the election of any one legally-elected President of the United States. If he did, he would promptly be impeached and hurled from office.

Mr. MAXEY. I would ask the Senator from Kentucky this question: In view of the Blount case, suppose the President of the Senate should be a President *pro tempore*, and therefore not liable to impeachment?

Mr. STEVENSON. I suppose if he was President *pro tempore* he would discharge all the duties of Vice-President. The language of the Constitution is, the President of the Senate.

Mr. MAXEY. But I ask if he would be liable to impeachment under that decision?

Mr. STEVENSON. I do not understand the Senator.

Mr. MAXEY. In the Blount case it was decided that a Senator is not liable to impeachment. Suppose the President of the Senate is a President *pro tempore;* as a matter of course he is a Senator, and under that decision he would not be liable to the penalty.

Mr. STEVENSON. I cannot undertake to prescribe punishment in every extreme possible case. If not liable to impeachment, he would be subject to punishment civilly and to popular degradation. What offenses of the President of the Senate are impeachable is a question which I decline to pass upon without due consideration; but the Vice-President of the United States, who is usually the President of the Senate, is subject to impeachment, and he is the official to whom we look and to whom I have referred. If Congress possesses the power to legislate on the returns of a presidential election, why may not Congress determine who has been elected President of the United States? Why may not Congress then exclude States on some alleged irregularity? Where, if this power be legislative, is it to end? The Constitution makes the House of Representatives, voting by States, the electors of President if no candidate has received in the electoral college a majority of all the electors appointed. But if Congress can count the votes of the electoral college—count returns and exclude certificates of electors under its constitutional power—then I have no faith in the permanency of our free institutions. Never have I heard before of the existence of such a power. I look back for fifty

or sixty years and see how harmoniously and beautifully the action and construction claimed by me have worked. I am unwilling to change it. I will not anticipate danger. We must trust somebody. It occurs to me that the safest and wisest course to pursue is to adhere to the precedents which for sixty years guided our fathers in the selection of Chief Magistrate. Let us guard the States from encroachments of arbitrary Federal power upon their suffrage. I am an old-school democrat; and I shall vote with the Senator from Maryland, [Mr. WHYTE,] whose speech I listened to with so much interest and whose enunciations I so heartily indorse.

Mr. THURMAN. I did not think I should trouble the Senate with another remark on this subject; but the respect that I sincerely feel for the Senators from Maryland and Kentucky, who differ so widely from the opinion that I have expressed, compels me to say something more than I have already said.

How it could come into the head of any man looking at the Constitution alone and not looking at any usage under the Constitution to suppose that the power of counting the votes is conferred upon the President of the Senate, is almost past my comprehension. It has often been said that the framers of the Constitution, and especially that most distinguished man in letters, Gouverneur Morris, to whom the revision of the language of the Constitution was given, were masters of the English tongue; and that the Constitution itself is the most remarkable instrument to be found in the world for the clearness and terseness of its provisions. Let us turn to this provision and see what it is, and see what it would have been if the framers of the Constitution had intended what my learned friends suppose. The language is:

> The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

If it were the intention that the President of the Senate should count the votes, would it not have been plainly said: "The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and count the votes?" That would have been a briefer expression than is used. That would have been an expression free from all ambiguity. That would have been an expression in good, plain Anglo-Saxon. That would have been an expression as clear as the intellect of Gouverneur Morris, the reviser of the language of the Constitution. But there is nothing of the sort. It is simply said:

> The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates—

And then it is said—

> and the votes shall then be counted.

Who is there who can say that the Constitution declares in express terms who shall count the votes? When it simply says, "and the votes shall then be counted," and says nothing more, who is there who can say that the Constitution in express terms declares that the President of the Senate shall count the votes, or that it declares by whom the votes shall be counted? Manifestly there is no declaration on that subject. Manifestly it is not declared by whom the votes shall be counted. What is the consequence? These votes are to be counted, for they concern the election of the Chief Magistrate and the Vice-President of the Republic. The power to count them is a power conferred upon the Government, or some department or officer of the Republic. If, then, there is no declaration by whom they shall be counted, I ask any lawyer in the Senate is there any alternative but to say that the law-making power shall declare by whom they shall be counted? I ask any lawyer to say if it does not come within the express words of the last clause of section 8 of article 1, defining the powers of the Congress—

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof?

And, without that clause in the Constitution, does not every one know that of necessity where a power is conferred upon a government or any department of a government by a written constitution and the mode of exercising that power is not prescribed, that mode is to be prescribed by the law-making power? Without that express provision in the Constitution, how could it be doubted that the law-making power is to supply the mode of ascertaining the popular will?

But the Senator from Maryland seems to think that this might deprive a State of its vote for President. He seems to think that if the President of the Senate had the power, no State could be deprived of its vote. With great respect for him, how can that be? Suppose the President of the Senate has the whole power to decide that a given return, where there is but one return, is not a valid return, has not this man decided that that State shall be deprived of her vote? Take the case of Wisconsin in 1857. If the President of the Senate alone had the power to decide that question, and he had decided it against Wisconsin, would not Wisconsin have been deprived of her voice in the presidential election? Take any other case that you can suppose, and if you give this one man this power, may you not deprive a State by his fiat, and even when he is a candidate, too, of her voice in the presidential election? Take the case of Louisiana at the last election when she had two returns sent here. If you give the power to decide that question to one man, the President of the Senate, may he not decide it wrongly and deprive the people of their just choice; or may he not do what we did, reject both returns and disfranchise the State?

How, then, do you get rid of the difficulty by conferring the power upon one man? How does that secure to the people their voice in the choice of their Chief Magistrate? No, sir; give this power to whom you please, to one man or a thousand, it may be that the people of a State will unjustly lose their right. You cannot help that, because there is no human tribunal that is free from imperfection. Until men shall be gods, pure and omniscient, there will be error in decision, and you cannot avoid it.

But, sir, this is not all in this matter——

Mr. MORTON. Will the Senator allow me to call his attention to the fact that if this matter is to be left entirely to the President of the Senate, it includes the power to disfranchise a State where there is only one return because of an imperfection in the return? He may say that the return does not show that the electors voted by ballot, and in his judgment that should reject the return from a State; but that return would not be rejected under this bill unless both Houses concurred in saying that it should be rejected; or, where there were two returns, he might decide which was the proper one.

Mr. THURMAN. But, Mr. President, there is something more, for this goes deeper. We have no Vice-President of the United States now; but we have a President of the Senate. This Senate by a large majority has declared that a majority on this floor can displace that President *pro tempore* whenever it pleases. It may change him from day to day. Now suppose the presidential election was so close that everything depended upon the rejection of the vote of a single State, it may be the smallest in the Republic. Sir, what have you done? You have placed it in the power of a bare majority of the Senate to displace the President of the Senate if they fear that his virtue or his knowledge will decide that question against their party wishes. I make no accusation against the majority of the Senate or against any Senator. I do not believe that all men in public life are villains, and I never did believe; but I repeat what I said the other day, that the greatest prayer our race has inherited is "lead us not into temptation." Besides, sir, what inducements would you have to change your presiding officer with a view to a count of the votes at the presidential election?

But again, it is said that the judiciary can interfere. How can the judiciary interfere? It is said that if the President of the Senate does not count the right vote, a mandamus may issue to him. Well, Mr. President, I am an old lawyer, and it is a long time since I began the practice of the law; and the idea that the President of the Senate, exercising a power *quasi*-judicial, as he must do if he is to decide between two returns, and which it is simply idle to call ministerial, can be controlled in the exercise of that *quasi*-judicial power, or that power not *quasi*-judicial, but really judicial in its nature, by a mandamus of any court, is to me the most astonishing proposition. And how would it work in practice, pray? Certainly the Supreme Court of the United States has no original jurisdiction to issue any such mandamus, unless, indeed, it is given under that clause conferring original jurisdiction upon it, which says that it shall have original jurisdiction of controversies in which a State is a party. Now assume for a moment that a State could be a party asking for a mandamus to compel—what? To compel the President of the Senate to count the vote of the State of Louisiana for A B. What is the answer to that mandamus? The President of the Senate answers, "I have counted it for C D; the thing is done; my function has ceased; I am *functus officio* in the business." That is the first answer to it. But suppose that the ruling power in that State coincides with the President of the Senate in the count that he has made; suppose, for instance, that Kellogg is governor *de facto* of Louisiana and the President of the Senate counts Louisiana for the republican candidate, although a majority of the votes of Louisiana have been given for the democratic candidate, how are you going to get your mandamus; how are you going to get the State of Louisiana to apply for a mandamus?

And, sir, when is that question to be decided? Certainly the Constitution requires the count of the votes of the presidential electors to be concluded without delay; and the President is inaugurated, and how then are you to proceed? Are you to proceed through one year, two years, three years, in some circuit court of the United States or in the Supreme Court of the United States, in order to find whether the President of the Senate correctly counted the vote, and then to have a decree of the court that he did not correctly count it, and then when you have got that decree, how are you going to turn the incumbent out? Suppose that the incumbent has a majority of both Houses on the side of his party, of what value would be your decision of the Supreme Court?

Sir, does not every one see that this gets us into inextricable difficulty? The man who is declared to be elected must be inaugurated. You propose, then, a litigation after he is inaugurated, for there cannot be an interregnum, and that litigation may last for years, and when that litigation is determined and the decision is against the man who is inaugurated, where is the power of the Supreme Court to enforce it? Where is its Army? Where is its treasure? How can it enforce it, and especially how can it enforce it if Congress is of the same political party with the President in possession? Is it possible that our forefathers, those whom we have been accustomed to venerate as men the wisest in the history of nations, as the fountain of government, as men before whom the Solons and Lycurguses of the world must hide their diminished heads—is it possible that they have

framed such a government? I do not believe it. I believe that the Constitution is perfectly framed. I believe that our forefathers did not foresee the contingency that has happened. I believe, however, that the Constitution is a much more perfect instrument than it is supposed, for, though they did not foresee the particular case which has since arisen, it does so happen that that you can scarcely find a case that the language of the Constitution does not cover. That is the wonderful merit of our Constitution. It was well expressed by Chief Justice Marshall when, in answer to an argument that the framers of the Constitution never contemplated a particular case, he said, "It is not sufficient to negative a power that the framers of the Constitution did not contemplate that particular power or the exercise of that particular power; the question is, does the language of the Constitution cover the power?" Now, I say the language of the Constitution covers the power in this case; it makes it a legislative power to decide by whom and in what mode these votes shall be counted.

Now, sir, I want to stick to the Constitution as closely as I can. Inasmuch as the Senate and House of Representatives are called upon to attend the counting of these votes, I think for that and for other reasons that it was intended that this matter should be decided by the members of both Houses. I find that first in the fact that they are required to attend; I find it again in the fact that the Constitution requires that "the votes shall then be counted;" it admits of no delay. I find it in the further fact that if there is no choice by the people, "the House of Representatives shall immediately proceed" to the choice. I find in all the facts an utter opposition to the idea of the delay incident to judicial proceedings, or any other delay. I think therefore that it was contemplated that this matter should be decided by the Congress or the members of Congress, and therefore I have been in favor and am in favor yet of so deciding it, either by the adoption of the proposition of my friend from Virginia, [Mr. JOHNSTON,] or by that of my friend from New Jersey, [Mr. RANDOLPH.] Either by treating the two Houses as a joint convention, and counting the vote of each member for one as in a joint convention, or by the mode proposed by the Senator from Virginia. I am in favor of deciding this vexed question.

I know very well that the decision can only be for a time. I feel as strongly as any Senator on this floor can feel, that the Constitution needs amendment in regard to the choice of President. I feel that the idea of electors of President entertained by our forefathers has in practice wholly failed. Their idea was that these electors were to make the choice of President according to their own good judgment and will. That idea has wholly failed. I believe that that cumbrous machinery ought to be dispensed with. I believe that it can be dispensed with, and yet preserve to the smaller States their relative weight in the presidential election which they now enjoy, and I believe it ought to be done. I believe that some mode, clear and specific, free from doubt, ought to be constitutionally adopted for the counting and verification of the votes for President and Vice-President. But, sir, we cannot make a constitution in a day; we cannot amend the Constitution in a day. The necessity for action is a present necessity; it is upon us now, and the question is, shall we exercise that power which the Constitution does confer upon us, to provide for ascertaining the voice of the people according to the Constitution as it is?

These considerations, and the firm belief that there is danger unless we settle this matter, induce me to hope that this Congress will adopt some measure which shall solve this problem. Certainly it is a difficult question; but that is no reason why we should not attempt to solve it.

One word more, sir, and I have done. The Senator from Maryland read a passage from Kent. With great deference to him it seems to me that Kent's opinion is directly opposed to his argument. What is it that Kent says?

> The Constitution does not expressly declare by whom the votes are to be counted and the result declared.

Every one must admit that. Then Kent goes on to say:

> In the case of questionable votes, and a closely contested election, this power may be all-important; and I presume—
>
> It is a mere presumption—
>
> in the absence of all legislative pr ovision on the subject, that the President of the Senate counts the votes and dete rmines the result, and that the two Houses are present only as spectators, to witn ess the fairness and accuracy of the transaction, and to act only if no choice be made by the electors.

"In the absence of legislative provision on the subject," which implies that if there is legislative provision on the subject the President of the Senate does not then count the vote and determine the result. That is what he means.

Mr. WHYTE. May I ask the Senator from Ohio whether Chancellor Kent refers to legislation in regard to organic or statute law?

Mr. THURMAN. Statute law plainly.

Mr. WHYTE. I do not think so.

Mr. THURMAN. My friend, I think, will see that it must be so when he considers for a moment. If the Constitution gives to the President of the Senate the right to count the votes, no legislation can take it away from him; that is clear. Why then should Kent talk of the absence of legislative provision? Kent was a man remarkable for the clearness of his diction. His commentaries have won the hearts of all the law students in the country, not so much for their great grasp and breadth as for the wonderful clearness that marks them. Would he have talked in ambiguous language on this subject? If the Constitution had said that the President of the Senate was authorized to count the votes, if the Constitution had conferred on him alone the authority to count them, would not Kent have said so? On the contrary, he says exactly the opposite. He says:

> The Constitution does not expressly declare by whom the votes are to be counted and the result declared.

What, then, was in his mind? That which is in the mind of a lawyer, and a great lawyer too, that the Constitution not having declared by whom the votes should be counted and the result declared, it necessarily followed that the law-making power had authority to act; and therefore he says that, in the absence of legislation, he presumes the President of the Senate declares the result, clearly recognizing that the law-making power had control over the subject.

Mr. President, I beg pardon for having occupied the time of the Senate again on this subject. I believe I promised the other day that I should say no more about it. I once more affirm, and I affirm it in all sincerity, that if it were not for the real respect I entertain for the legal and statesman-like opinions of my friends from Maryland and Kentucky, I should not have said one word to-day.

Mr. STEVENSON. I desire to add a solitary additional word. I had no purpose whatever of entering into the debate. I was not prepared to do so. I rose briefly to state before the vote was taken the ground upon which my opposition to these amendments would rest. The able arguments in their favor by political friends with whom I usually agree seemed to demand that much from me. The Senator from Ohio, [Mr. THURMAN,] for whose opinions I have the highest possible respect and in whose judicial construction of any legal or constitutional question I have the greatest confidence, has replied to my few desultory observations at some length and with some animation. He seems to think it profoundly strange that any human intellect should seriously persuade itself that the President of the United States was the constitutional instrumentality through which the votes of the electoral colleges in the several States for President and Vice-President were to be counted.

I am somewhat surprised—perhaps as much so as my friend from Ohio—at this broad expression of wonder on his part for opposing views on any part of the Federal Constitution. It is an instrument whose opposite constructions has arrayed in fierce opposition parties and men from the moment it was ratified by the States. The fathers who framed it have differed widely and warmly as to the true construction of many of its provisions. That antagonism of construction still continues. It seems to me somewhat strange that when the views entertained by the Senator from Maryland and myself of the precise clause of the Constitution which we are discussing was sustained by the usage and practice of our fathers for fifty years, the Senator from Ohio ought not to wonder that we still adhere to them. I think the language of the Constitution not less than the early precedents fully sustain us.

John Langdon was one who framed and signed the Constitution of the United States. He was, as the record shows, elected President of the Senate of the United States in the First Congress for the sole purpose of counting the votes of the electoral colleges in the States for President and Vice President. He did open and count them; a power which the Senator from Ohio [Mr. THURMAN] wonders that any human intellect should conceive was conferred by the Constitution on the President of the Senate. The message sent from the Senate of the United States to the House of Representatives by Mr. Ellsworth was that John Langdon had been elected President for the express purpose of opening the certificates and counting the votes of the electors of the several States in the choice of President and Vice-President of the United States. Oliver Ellsworth, who bore the message, and John Langdon, whom the Senate made its President, and who did open and count the votes for President and Vice-President in the First Congress of the United States, were both members of the convention which framed the Constitution, and they took the same view of this question entertained by the Senator from Maryland and myself; and yet in their time no wonder was expressed in any quarter as to their construction of this clause of the Constitution. So far from it, that construction which clothed the President of the Senate with the sole power of opening and counting the certificates of the electoral colleges of the vote for President and Vice-President of the United States was sanctioned by the uniform and unbroken usage of Congress for fifty years continuously from the beginning of the Government.

The claim of power by Congress over these certificates of the electoral colleges certifying the votes for President and Vice-President, and which is asserted in the pending bill, was, so far as history and precedent go, absolutely unknown to the framers of the Constitution and to the members of the early Congresses. This is a most astounding fact if any such power existed. If there is any fact patent in the Constitution it is that Congress was expressly excluded by the letter and spirit of the Constitution from any power to interfere with or control the certificates of the electors certifying the votes for President and Vice-President of the United States. The Senate and House of Representatives were the chosen witnesses of the Constitution to see that the President of the Senate received, opened, and counted all the certificates of the electoral colleges; that the tellers duly recorded the same, and that the President then faithfully announced the result of the election as evidenced by these certificates of the electors. What

is there, then, to astound or surprise the Senator from Ohio that any Senator now on this floor should feel disposed to follow the framers of the Constitution in the construction and practice under this clause of the Constitution? The wonder, it seems to me, should be how so acute a lawyer and orthodox a constructionist as the Senator from Ohio [Mr. THURMAN] undoubtedly is should abandon the old landmarks of the fathers, ignore their usage of construction of the Constitution for one doubtful and dangerous. The Constitution declares that—

The President of the Senate shall, in the presence of the Senate and House of Representatives—

In their presence, do what?

open all the certificates, and the votes shall *then* be counted.

Mr. THURMAN. Allow me to interrupt my friend.

Mr. STEVENSON. Certainly.

Mr. THURMAN. I ought to have mentioned perhaps that the reason of those proceedings in the First Congress is very plain. The Constitution provides that the Vice-President shall be the President of the Senate. Until it was declared who was elected Vice-President there was no such presiding officer of the Senate as the Constitution provided for; and it was necessary to have somebody for the simple and sole function of having the votes counted, and that Senate could do not one single act except count those votes until it had a Vice-President to preside over it. Hence in order to show that the Senate was not to do any legislative act or any other act whatsover, and in accordance with the recommendation of the convention which was read by the Senator from Maryland, John Langdon was selected President of the Senate for the sole purpose of opening and counting the votes for President and Vice-President. The language is not so clear at all that it would purport that he should count them, though I grant that he did it. But the reason why that limitation was put on the resolution, that it was for that sole purpose, was simply to disclaim any power in that Senate to do any act until it had the presiding officer provided for by the Constitution.

Mr. STEVENSON. Why, Mr President, the reason given by the Senator from Ohio is no reply to the argument which I present. Why? Because the language of the Constitution is, the President of the Senate shall open, &c.; and the office of President of the Senate is an office created by the Constitution as much as the office of Vice-President. It was the President of the Senate—whether Vice-President or President *pro tempore*—who is empowered and designated to open and count the votes. He did it in a ministerial capacity. He had no discretion. He was the instrument of the Constitution of making known, after opening and ascertaining from the certificates of the electoral colleges in the several States, the result of the ballots of their electors for President and Vice-President. He had no power to exclude, alter, or withhold one solitary certificate sent to him by the electoral colleges. The Senate and House of Representatives were to witness the discharge of this constitutional duty by the President of the Senate. The tellers were to record the votes for President and Vice-President evidenced by these certificates, and the President was then to announce the result. If the certificates showed that a majority of all the electors of all the States had voted for one man as President, he was then to be declared elected by the President. If not, then the House was to elect.

All the dangers of double returns, &c., that the Senator from Ohio speaks of now existed then; and yet the wise and patriotic men who framed the Constitution, and who were then members of the Senate of the United States, elected John Langdon President of the Senate to open and count these certificates of the electoral colleges. The Senator from Ohio admits that he discharged that duty of opening, counting, and proclaiming the result. And that usage continued for years and years. The tellers were and are mere clerks, as I think, to record the result of the votes of the electors for President and Vice-President, as opened, counted, and announced by the President of the Senate. That result, the fact disclosed by those certificates, untouched, uninterfered with, was beyond the power of either House of Congress, or of both combined. Our fathers intended to guard the votes of electors from all congressional interference of any and every sort. They were wise and far-seeing men. They made no provision in the Constitution for contested presidential elections. I was amazed to hear the Senator from Ohio [Mr. THURMAN] say that this power of Congress to count the votes, and regulate the same by law, was a legislative power. I deny it. Congress has no legislative power whatever over the result of the electoral colleges in the States in electing President and Vice-President.

The Senator from Ohio attempted to deduce the power from that clause of the Constitution conferring on Congress all authority, legislative authority, to effectuate certain granted powers. That clause has no application whatever to the subject of the election of President and Vice-President by the people of the States. Congress cannot interfere with that subject. If there is a tie in the electoral college or no candidate has received a majority of all the electors, then the House of Representatives is to elect, each State having one vote. I rejoice that Congress has no legislative power in counting the votes of the electors for President and Vice-President. Whenever such a power is usurped and exercised then our constitutional liberty becomes extinct. Neither House of Congress can reject the vote of a State, singly or combined. The only constitutional function assigned to Congress is to witness the opening of the votes of electors as certified to the President of the Senate and counted by him. Their duty is to witness and see that every return is opened and counted and the result as shown by the certificates of the electoral colleges is correctly reported and correctly announced.

Had Congress the power to count and regulate these returns, then Congress can regulate the election of President and Vice-President. If Congress can count the vote of one State and exclude another within the discretion of a majority, who shall measure the danger in high party times, or in times of great venality and corruption, the grant and exercise of such a power?

When I look to the language of the Constitution, or to the contemporaneous action of the early Congresses, when the President of the Senate alone exercised this power of opening and counting the votes, I am surprised, I confess, to find that this bill should, without some amendment to the Constitution, find among its supporters my distinguished friend from Ohio. I have listened with attention and interest to all his speeches, hoping that he would show the grant of constitutional power which sanctions this amendment. I confess I have neither seen nor heard it. The language and precedents of the early Congresses are all against the existence or the exercise of so dangerous a power.

Is that circumstance entitled to no weight? Are we to overturn all the rules of construction which look to the opinions and contemporaneous action of those who framed the Constitution and put the Government in operation as evidence of its true intendment and meaning? Is action of Congresses for fifty years in allowing the President of the Senate to count the votes to be utterly disregarded?

What says Chancellor Kent on this subject? I beg the attention of the Senator from Ohio to a word or two from him. He says "that the two Houses are present"—to count the votes? No, sir. The two Houses are present for another purpose. What is it? "As spectators, to witness the fairness and accuracy of the transaction." What transaction? Opening the seals; counting the vote of the electors in every State as certified by their colleges to the President of the Senate, as the sole instrumentality which the Constitution designates for the discharge of that duty. If this power be possessed by the two Houses of Congress as a legislative power, it must follow that the power to correct and to revise, to set aside and to add to, can likewise be exercised by them. Yield the legislative power to Congress, as claimed in the pending bill and amendments, and all the rest follow.

Our fathers would not allow a Federal officer or a member of Congress to be an elector; but their children propose to allow Congress the power to count and control the returns of the electoral colleges.

Mr. WHYTE. Will the Senator from Kentucky allow me to make a suggestion?

Mr. STEVENSON. With the greatest pleasure.

Mr. WHYTE. It is a remarkable fact that in the convention the proposition originally agreed upon was that the President of the Senate should in the presence of the Senate open the certificates, and the votes should then and there be counted. That was the original report; but on motion the House of Representatives were included as spectators; and the words "in the presence of the Senate and House of Representatives" were put in after the word "counted." In the redraught of the Constitution those words are before the word "counted," but by the vote of the convention it was provided that the certificates should be opened and counted in the presence of the Senate and House of Representatives.

Mr. STEVENSON. The fact stated greatly fortifies our construction which so surprises the Senator from Ohio. I thank my friend from Maryland for his pertinent suggestion. It is another fact going to show that the framers of the Constitution looked to the President of the Senate as constitutionally empowered not only to open but to count the votes certified by the electors to him. Chancellor Kent tells us the House and Senate were to be spectators of the accuracy and fidelity with which he discharged that duty, and further, that the tellers were to record what the certificates evidenced had been done by the electoral colleges in voting for President and Vice-President. The President of the Senate opened and read the returns. The tellers recorded the votes.

It is with extreme deference that I find myself differing on a question of constitutional construction with lawyers so eminent as the Senator from Ohio and others who coincide with him. But, tested by the language of the Consfitution or the usages under it, I am constrained to believe the bill wholly unconstitutional.

I agree with my friend from Ohio that human nature is not perfect. There may be dangers and difficulties that await us whatever construction shall prevail. I can see more from my stand-point as likely to flow from his construction than from mine. Nothing so appalls me as to hear the honorable Senator from Ohio say that Congress possesses the constitutional power to count and regulate the election of President and Vice-President; to prescribe when the vote of a State may be counted and when it may be rejected. The possession of such power is the tocsin of danger to free elections.

Mr. THURMAN. I beg my friend to allow me to ask him how he will avoid that by allowing one man to analyze the vote?

Mr. STEVENSON. I reply that if he is the sole instrumentality named in the Constitution to receive, open, and count the certificates of the electoral colleges showing the votes for President and Vice-President in the States and certified to him, we have no power to disregard

that mandate of the Constitution. It has operated well in the past; let us adhere to it. If we desire a change let us amend the Constitution. If a Vice-President ever sought to degrade himself by improper conduct in withholding returns or counting false ones, we would soon reach him. The Senator says that he never heard of the Supreme Court of the United States in exercise of its original jurisdiction issuing a mandamus.

Mr. THURMAN. No, I did not say that.

Mr. STEVENSON. I will state directly what the Senator did say. He said he had never heard of a case where the Supreme Court granted a mandamus in the exercise of its original jurisdiction. The Senator said he would like to hear of it. I will cite a memorable case to the Senator of the exercise of such original jurisdiction by the Supreme Court against a governor of a sovereign State, and that governor a governor of Ohio! I refer to the case of the State of Kentucky *vs.* Dennison, reported in one of the Howard Supreme Court Reports. The governor stands to the State in a position somewhat analogous to that occupied by the President to the United States. When William Dennison, the governor of Ohio, some years ago refused to deliver up to the governor of Kentucky a fugitive from justice escaping from the latter State, on a requisition made by the governor of Kentucky, which, by the mandate of the Constitution of the United States he was directed to do, the State of Kentucky applied to the Supreme Court of the United States—an exercise of its original jurisdiction—for a mandamus against him to compel him to do his duty. The jurisdiction to issue the writ by the Supreme Court of the United States was denied by the attorney-general of Ohio, but the plea was overruled. The court held that they possessed the power to issue the writ against Dennison as governor of the State of Ohio, who they held was in default in not surrendering the fugitive to the governor of Kentucky. They decided, however, that they had no power to coerce a State or its governor.

I will say that the Supreme Court of the United States would or would not undertake to require the performance of a clear ministerial duty by an officer whom the Constitution of the United States has named and designated for receiving, opening, and counting the votes of the electoral colleges for President and Vice-President. I will never allow myself to believe that the President of the Senate elected of any political party will be so far recreant to his duty as to require the exercise of such a judicial power. I will never believe it. If such an instance should ever occur, I have no doubt a remedy will be found. Therefore I say "sufficient unto the day is the evil thereof." No such instance has occurred in the past. None such is likely to occur in the future. If it does, I neither assert or deny the power of the judiciary to afford relief by a proper correction. The danger of abuse is more likely to occur by allowing Congress to interfere with the returns of the electors of the States. We have had a dark experience of what Congress has done and may do again with some of the States. Let us beware!

My friend from Ohio need not be amazed that any human intellect should undertake to construe the Constitution as the Senator from Maryland and myself propose to do. Abler and more distinguished Senators than either of us have reached the same conclusion. Jacob Collamer in his time was regarded as a pretty good lawyer; he was *primus inter primos* before any judicial forum, and as a leading and prominent Senator from Vermont for very many years in this Chamber he was regarded *primus inter pares*. He construed this clause, in 1857, as I do. He thought the President of the Senate could alone count the votes of the electoral colleges. I repeat, Jacob Collamer believed in no power of Congress to count votes or to exclude votes as certified by the electors. This statesman saw none of the dangers now pictured as likely to occur if we do not pass this bill.

Mr. President, I have been drawn unexpectedly and reluctantly into this debate. Now I have spoken hurriedly and without preparation. I have no feeling on the subject whatever. I have tried to gain light from my distinguished friend from Ohio [Mr. THURMAN] to guide me in my vote on the pending bill. I have listened to him attentively. His learning, his clear, discriminating intellect entitle his utterances to respect, not only in the Senate but everywhere else. He has, however, failed to persuade me that the Constitution authorizes Congress to pass this bill. We have gotten rid of that hateful joint rule whose pernicious operation was acknowledged, a rule which should never have been adopted and was always pregnant with danger.

Let us come back to old landmarks, and let us stand where our fathers stood so safely and so long. Let us not exercise doubtful powers or seek to clothe Congress with unlimited discretion to interfere with the certificates of the electoral college, and thereby control indirectly the election of President and Vice-President. Let us continue to trust the President of the Senate with the power confided to him by the Constitution of the United States, exercised in the presence of both Houses of Congress as chosen witnesses of that solemn and august ceremony in which he only announces to the Senate and to the House of Representatives the action of the electoral college in selecting the President and Vice-President of the United States.

What a solemn scene it is, occurring, as it does, once in every four years of our political calendar. No man lives with the true spirit of American liberty in his heart who does not feel that heart beat quicker when we, as we do in every quiet and peaceable election of President and Vice-President of the United States, give to the despotisms of the Old World new and enduring evidence of man's capacity for self-government.

I think Mr. President, we had better stand where we are. I see possible difficulties, no matter what Congress shall do. It is impossible to guard against possible danger. Let us adhere to the limitations of the Constitution and seek to restrict, not to enlarge, congressional power.

Mr. WITHERS. Mr. President, at the risk of being very presumptuous, I propose to say a word or two in the discussion of this question. I am no lawyer, and consequently do not propose to quote any legal authorities for or against any proposition which I may advocate; but I am inclined to take what we call in our country a plain, common-sense, plantation view of this question. I am the more disposed to do this from the fact that I find gentlemen of the highest legal attainments and reputation who rely upon precisely the same authority and the same paragraph and the same sentence to prove identically opposite propositions.

I have listened with great attention to the whole of this discussion. When I first suggested the difficulty which presented itself to my mind upon reading the bill as it was proposed by the committee who reported it here, I thought that it was a manifest defect; that the bill provided no agency by which the decision of the vexed question of double returns coming up from a State could be settled, thereby risking the loss of the electoral vote of that State. I think that the progress of this discussion has demonstrated that the objection was well taken; because it is admitted by a large proportion of those who have discussed the question that some agency or other should be provided, if indeed it does not already exist, for the contingency which the second section proposes to meet.

Now, the discussion has drifted off into two great channels, if I may so express myself. One is upon whom the constitutional right devolves to count the vote of ordinary elections. The other is the proposition for which the amendment of my colleague was designed to furnish a remedy; and that is, what course shall be taken in the case where two returns come up from a State each claiming to be the proper return of that State. With regard to the first, I shall have very little to say beyond this, that the argument of the Senator from Maryland [Mr. WHYTE] was, to my mind, almost conclusive on the subject that the framers of the Constitution designed that the duty of counting the votes should devolve upon the Vice-President of the United States. That the Constitution does not explicitly thus provide is true; but the argument of those who have urged that, because of the absence of that specific provision, we were therefore to assume that the power did not exist there, but that it existed to a much greater degree with the law-making branch of the Government, I think, is defective in this, that while the ministerial agency of the Vice-President is invoked by the Constitution to a certain degree in the ceremonial of deciding this question, to wit, in opening the vote, and while it is true that it says that vote shall then be counted, without specifying that the Vice-President shall count it, there is not one word of the agency provided by the Constitution which shall be played by the legislative branch of the Government further than that they shall be then and there present. No ministerial function under the Constitution devolves upon them at all. They have no right, so far as the Constitution shows us, of touching the returns in any manner, shape, or form. When I take this fact into consideration, coupled with the additional circumstance that clearly at the first meeting of the Senate and House of Representatives after the adoption of the Constitution the President of the Senate did not only open the vote but count it, and the additional fact that at the next presidential election the same duty was performed by the same officer, I think the objection of the distinguished Senator from Ohio [Mr. THURMAN] can scarcely hold good when he asserts that it is a most remarkable exhibition of the wonderful obliquity of intellect on the part of any person to suppose that under the Constitution the Vice-President was intrusted with this power.

The Senator with his usual ability brought to his aid the force of the argument based on the primary action under this Constitution by asserting that the then President of the Senate, Mr. Langdon, was elected for the sole purpose of opening and counting the vote, for the reason only that the Senate had not been organized under the Constitution and that there had been no organization of Congress under the Constitution. It seems to me, taking another branch of his argument and considering it in this connection, that if the legislation necessary by Congress under the Constitution to designate the officer or power that should have the right to count the vote had never been had previously, it was then had. The very resolution which empowered Mr. Langdon to preside for the sole purpose of opening and counting the vote was legislation, defining on whom this trust should be imposed. Therefore we have the additional precedent established by the election of Mr. Langdon for this purpose to show that it was the intention of the Constitution that the power should rest in the hands of the President of the Senate.

We have had arguments *pro* and *con* on the question upon whom the counting of the votes should devolve. One is sustained by the implication which I have mentioned, the only legislation which has ever been enacted by Congress upon the subject, pointing to the President of the Senate as the person by whom this duty should be performed, in the absence of a contrary or a specific provision in the Constitution that the Vice-President should perform it. There is not one word in the Constitution, there is not a letter or a syllable in it, to indicate by indirection or by implication that the duty should devolve upon any one else.

Assuming, however, that this duty under the Constitution could be

properly exercised by the Vice-President or President of the Senate, I cannot go beyond that point and declare that, because of this legislative provision and because of the action under it, the Vice-President or the President of the Senate should also be intrusted with the power of deciding as to the validity of returns when two conflicting returns present themselves. That is a different question. The first action, the counting of the vote, is clearly ministerial. The last action is by no means clearly ministerial. When two conflicting returns come up, whoever decides as to which is the valid return exercises certainly a judicial function. It seems to me that that point is irrefutable. It cannot be urged that it is ministerial, or that it is executive, or legislative. He has to exercise the power of judgment in the matter.

Just here I will say that while I favor the proposition of my colleague, [Mr. JOHNSTON,] for reasons which I will state more at length hereafter, no difficulty is presented to my mind by a proposition to vest this power in the House of Representatives, in a joint session of the two bodies, or in a vote by States; because, while it is true that the Constitution clearly separates the powers which are wielded by the Government into three great branches, executive, legislative, and judicial, yet there are certain great functions which must devolve, and do devolve, by the Constitution upon these legislative bodies. These functions are not only discretionary, but judicial, for the Constitution specifies that this body "shall be the judge of the elections, returns, and qualifications of its own members;" and so with the lower House. In cases of impeachment, the Senate constitutes the highest judicial tribunal known, and must of necessity exercise judicial powers. I, therefore, see no constitutional difficulty in providing by legislation that this judicial power shall be exercised either by the Vice-President, or by the House of Representatives, or by the Senate and House of Representatives. I think it is clearly competent for the law-making power to delegate this judicial duty to any or all of these.

The principal proposition, after the amendment offered by my colleague, is the one which proposes to substitute the judges of the Supreme Court as the umpire to decide in cases of doubt. It does seem to me that there does exist a constitutional difficulty in that case. The argument of the distinguished Senator from Indiana [Mr. MORTON] the first day this question came up for discussion was to my mind perfectly conclusive and satisfactory, that we could not under the Constitution, and with a due regard to its provisions, delegate this duty to the judges of the Supreme Court; whether they acted as a Supreme Court, or whether they acted merely in their individual capacity, which the amendment suggested by the Senator from Indiana contemplates, for two reasons: First, the Constitution requires that the decision shall be then made; and it contemplates the presence of no person other than the Vice-President and the two Houses at the time the decision is made. If the Constitution had contemplated the possibility of any power other than those mentioned discharging any duty which might directly or indirectly spring out of the performance of the function of counting the vote and declaring the result, it would have provided some means by which we should have a right to know that this additional tribunal was authorized by the Constitution; but no other person, so far as the provisions of that instrument go, is contemplated to be present, or anywhere near; and in addition the Constitution requires that the question shall be then decided. More than that, the judges of the Supreme Court may possibly themselves be called upon in their judicial capacity to decide upon questions which may arise under the action which is taken in Congress at the time the vote is counted. I do not pretend to designate the *quo modo* in which the case may come up for their adjudication; but that such an event is possible I think can scarcely be denied. That being the case, it would be manifestly improper to require the Supreme Court to act as umpire in the decision of a question which they might subsequently be called upon to decide as the highest judicial tribunal of the land. Although it may be asserted that in the one case they would act in their individual capacity, and in the other as an organized legal tribunal, it seems to me that the difficulty is merely evaded, and not met by the suggestion, because it would be impossible for a judge to divest himself of the opinions and conclusions which he reached as an individual when acting as an umpire. Therefore I think that the proposition to refer the decision of this question to the judges of the Supreme Court, as provided for in the amendment suggested by the Senator from Indiana, would be improper.

My primary purpose and desire in this whole matter is to secure some tribunal by which this question shall be decided. I am unwilling to leave it undecided, because it may possibly be a fruitful source of the greatest dangers to our institutions. If no legislation is had, if this act is not passed here or if it fails to be agreed upon by the other House, if from any cause whatever we should not consummate any legislation providing for the contingency which we all so much deprecate, I think no Senator present will deny that in the not distant future we may be confronted with a condition of things which will test in a degree beyond any to which this Constitution has ever heretofore been subjected, its vitality and its strength. I think it is the part of the Congress of the United States, as wise legislators, to provide a remedy, to avoid and prevent this contingency, if it be possible to do so. Therefore I am prepared now, if I cannot get the legislation which I desire, to take what I regard as next best, and having the primary purpose of securing some proper tribunal for the decision of such a question as will probably arise in the count of the next presidential vote.

In providing these agencies, among all the conflicting propositions which have been submitted by different Senators, it does strike me, after due deliberation and consideration, that that presented by my colleague is more in accordance with the principles of the Constitution, more in accordance with the usages which have prevailed in other departments of the Government, and that the spirit of our Constitution is carried out more fully thereby than by any of the propositions which have been offered in competition. If it were a question to decide simply upon the election of a President, we all know that the Constitution provides that that shall be done by the House of Representatives, who come forward and stand here as the representatives of the popular vote. But the same Constitution requires that the Senate in such a contingency shall have the privilege of deciding who shall be the Vice-President of the United States. It is therefore clear that in a case like the one under consideration, when two conflicting returns come up claiming to be the return of a State, we have to decide not only who is President but who is Vice-President as well. That decision should accordingly be had by the joint voice of the House of Representatives, who stand as the exponents of the popular will, and of the Senate who represent the will of the States.

The objection urged by the distinguished Senator from Indiana that the vote by States would be repugnant to the very spirit of our institutions, because it would stifle the voice of the people in certain cases, cannot be regarded as valid if you compare it with the provisions of the Constitution and with the ideas which animated the framers of that instrument in the construction of the theory and machinery of our Government. This Government is not a democracy purely; is not a government of the people *per se;* but it is a representative government. It is a federal government. All the provisions of the Constitution, and especially and *a fortiori* this one providing for the election of a President when there should be no choice by the people, indicate a purpose and intent on the part of the framers of the Constitution to provide a tribunal other than that of the popular vote to decide who should perform the functions of President in the contingency therein contemplated. They provided that this vote should be taken by States. Therefore I say it is no violation of the spirit of the Constitution, but on the contrary it is in strict accordance with the provisions of that instrument, that in such a case as the one now under discussion, where two conflicting returns come up here and when the question is as to who shall be elected both President and Vice-President, both these bodies should exercise a voice in the matter, and the vote should be taken by States, inasmuch as it is provided that the vote for President shall be taken by States in the House of Representatives in the event of no election being had by the people. The proposition of my colleague is therefore, I assert, strictly in accordance with the spirit and letter of our Constitution, and for that reason to my mind it is preferable.

I do not hesitate to say, however, that if I cannot get my first choice, if I cannot secure the adoption of this amendment, I will take some other amendment, my primary purpose being, as I designated in my opening remarks, to secure by legislation some tribunal, some authority, to have the right to decide this question when the difficulty presents itself, rather than to leave it open to be decided and become the subject of future squabble, and perhaps much greater difficulty than squabble; because we all recognize, not only the possibility, but the certainty that if no legislation is had to provide for the difficulty that may arise, if, in the event it shall arise we are left with nothing but the constitutional provision, there will be no concert of action, no unity of opinion, as to the power in whom the right of decision shall then be vested.

Mr. MORTON. It seems that the purpose of these several amendments is to provide some way by which the vote of a State shall not in any contingency be lost. The second section of the bill provides that where there are two returns that return shall be counted which receives the vote of both Houses as the valid return. If the two Houses do not agree as to which is the valid return, then no vote from that State shall be counted. The amendment we are about to vote upon provides that in such a contingency, where the Houses disagree, the two Houses shall be together as one body, Senators and Representatives, each having one vote, and the vote shall then be taken by States. For example, the State of Delaware would have one Representative and two Senators, and they would cast the vote of that State, which would count one. New York would have thirty-three Representatives and two Senators, making thirty-five, and they, or a majority of them, would cast the vote of New York, counting one. Aside from the inequality and the anti-republican character of such an election, the gross injustice to the people, the absolute stifling of the public voice, there are other objections to it in the very line which this amendment is intended to meet. If the vote is to be taken by States and there should be thirty-eight States, as there will be next fall, and the States should be equally divided, then the question is lost. In that case the contingency would happen under which the vote of a State would be lost, because the last tribunal provided for deciding the question would have failed to agree. When you come to take the vote by States there would be very great danger that the votes of particular States would be lost in taking that vote, because if the delegation is equally divided then the vote of that State is not cast, according to this very amendment:

But if the representation of any State shall be equally divided, its vote shall not be counted.

This very amendment provides for not counting the vote of a State in deciding the question where the delegation is equally divided; and that is a contingency very likely to happen. It will not happen very often, I trust; it has only occurred once in the history of this nation that there were two returns of electors from the same State. We may hope that that contingency will never occur again; but it may. Then, if there should be such a contingency, it is not very reasonable to suppose that the two Houses will not be able to agree upon which is the true and valid return. Still that contingency may happen; but where the vote is to be taken by States the contingency of the delegation being equally divided and the vote of the State being lost in that way, in determining the question either in the election of a President by the vote of the States or in the decision of this question by the vote of the States, is likely to happen.

Mr. MAXEY. Will the Senator from Indiana allow me to suggest an amendment which I have prepared, in order that I may get his views upon it?

Mr. MORTON. I will give way to my friend in a moment when I get through with the point I am now making. I want to call the attention of the Senator proposing this amendment to a fact in our history, in the first election of a President by the House of Representatives in 1801. When that election took place, there were fourteen States in the Union. The delegations from two States were equally divided, and the votes of those States were not counted. From the very first ballot the delegations from Vermont and Maryland were evenly divided, and so those States were not counted; and that remained the case from the 11th of February until the 17th of February, and after thirty-five ballots had been taken the dead-lock in those two States was broken in this way: When they took the last ballot, after an hour's interval, on the thirty-sixth ballot, Mr. Morris, of Vermont, was absent, and the two Maryland Federalists, Craig and Baer, put in blank ballots, thus giving two more States to Jefferson, which, added to the eight which had always voted for him, made a majority. There were two States divided in the very first election by the House, a contingency likely to happen. So that, in endeavoring to meet this contingency of the two Houses being divided, the very plans resorted to are exceedingly liable to the same difficulty, causing the loss of the vote of a State.

While I agree in the main with the Senator from Ohio, [Mr. THURMAN,] it seems to me that he has not been entirely logical. My friend from Texas [Mr. MAXEY] made a very able and a very clear argument this morning, but I think the final conclusion was not in harmony with the premises with which he started out. He took the ground that the two Houses would be present in their separate capacity; the Senate there as a Senate, the House as a House; not merely the members of the two bodies. In that I think he was entirely right; and he took the ground that these two Houses were to count the vote. It is a duty then devolving upon the two Houses, and I understood the Senator to argue that it was not competent for these two Houses to cast the duty of counting the votes or determining any question upon the Supreme Court of the United States, because it belonged to the two Houses in their legislative capacity; but, if I understood my friend at the close of his remarks he came to the conclusion that we could authorize the President of the Senate to count the vote in case of disagreement between the two Houses. If we can authorize the President of the Senate to do it by virtue of this law, if we can depute to him the power, we can depute it to any other specific tribunal that we may create.

Mr. MAXEY. If the Senator will permit me, I will state the position I took. The position which I assumed, as is very correctly stated by the Senator from Indiana, was that the two Houses appeared, organized in their separate capacities as a Senate and as a House, and over these organized bodies the President of the Senate presided; that under the Constitution you could not go outside of Congress to devolve the duty on anybody; that it was a personal trust. I further took the position that where these two Houses divided the vote of the Senate counted one, the vote of the House counted one, and the presiding officer being a part of Congress the duty of deciding the question where there was a divided vote between the two Houses could be devolved legitimately upon the President of the Senate, the presiding officer, and you could not go outside of the body to decide it.

Mr. MORTON. I understood that to be the argument of the Senator; but still I think the difficulty is not obviated. When the two Houses come together and the President of the Senate presides over both bodies for the time being, he has no casting vote under the Constitution. The Vice-President has the casting vote in the Senate on an equal division of that body, by virtue of the Constitution. The President of the Senate *pro tempore* has no casting vote under the Constitution, but he simply votes as a Senator. If you give the President *pro tempore* a casting vote where the two Houses fail to agree in determining which is the true vote of a State, that right thus conferred upon the President of the Senate is given to him by virtue of a law, and does not belong to him under the Constitution; so that after all we are deputing to an umpire or to a third party the exercise of a duty which, according to the argument of the Senator from Texas, and I think very clearly, too, belongs to the two Houses as a part of the legislative power of the country.

Mr. MAXEY. That umpire is a part of our own body. He is not an outside body, but is a part of Congress.

Mr. MORTON. That may be true. He is a member of this body either as Vice-President or as a Senator; but the power conferred upon him is not given by the Constitution; it is a new power which we are conferring upon him. Our right to confer it does not depend upon the fact that he is a member of this body. If we have the power to confer this extraordinary function upon anybody, that power does not depend upon the fact that the person upon whom we confer it belongs to this body. We may confer it as well upon the Supreme Court as upon the President of the Senate.

The same argument applies in regard to my friend from Ohio, who was led into the same difficulty. He started out on the presumption that the two Houses must count the vote as a part of their legislative powers, but he ended by agreeing to the amendment of the Senator from Virginia [Mr. JOHNSTON] that we might refer it to a joint convention of Senators and Representatives all voting together, the vote to be taken by States. If we can thus depute a legislative power to be exercised by a joint convention, a body unknown to the Constitution of the United States, and voting by States, a matter which the Constitution never contemplated, we can depute that power to the Supreme Court of the United States or to anybody else; so that I think my friend's conclusion was wrong. I deny the power to create an umpire to decide between the two Houses in a matter which is devolved upon the two Houses by the Constitution; but I said this, and I call the attention of my friend from Texas to it. He misapprehended my position a little. I say that, if we have the power to create an umpire or to call in a new tribunal, then I think the safest umpire, the one most satisfactory to the people of this nation, would be the Supreme Court of the United States, simply requiring that body to be in session when we come to count the votes; and in case of disagreement requiring it to decide it somewhere.

Mr. MAXEY. I think I understood the Senator's position, but, that he may understand mine, I referred to the page of the RECORD in which his view was given, and he will find by reference to it that this power was only to be exercised in a certain contingency, if tolerated at all.

Mr. MORTON. I failed to hear that part of my friend's remarks.

Mr. MAXEY. I do not know but that I elaborated it. I referred to the page of the RECORD of Thursday last, which shows for itself, page 13.

Mr. MERRIMON. How would you give the Supreme Court jurisdiction?

Mr. MORTON. If we have power to give any outside tribunal jurisdiction we have power to give it to the Supreme Court, and that would be the most satisfactory tribunal to which we could refer so great a question. The people of this country would submit with more satisfaction to the decision of that body than they would to the decision of any one man, I care not how wise or how great he might be, or to any special tribunal that we might create.

In answer to the question put by my friend from North Carolina, I say we cannot confer the jurisdiction upon the Supreme Court as a Supreme Court. Still if we have the power to create a special tribunal we can confer it upon the judges of the Supreme Court because they are judges of that court.

Mr. MERRIMON. I ask the Senator where we get the power to confer it upon any tribunal?

Mr. MORTON. I have been trying to argue that we have not that power. I do not believe we have that power. I have said that if the unfortunate contingency should happen that the two Houses cannot agree which return shall be counted the vote of the State is lost; if it is left to the President of the Senate and he is not able to make up his mind which vote shall be counted, the vote is lost; or if you refer the whole matter to him and he comes to the conclusion that the certificate is defective where there is only one, the vote of the State is lost. The vote of the State may be lost in any contingency. In any way that you may dispose of this question, that is possible. You cannot devise any scheme under which the vote of a State may not possibly be lost. Under the very plan proposed by my friend from Virginia it is probable that the vote of a State would be lost. I have just shown that in the very first election made by the House two States were evenly divided and so remained for seven days until the thirty-sixth ballot was taken, and then the dead-lock was broken by one member dodging and two members from other States casting blank ballots.

Mr. RANDOLPH. May I interrupt the Senator from Indiana for a moment?

Mr. MORTON. Yes, sir.

Mr. RANDOLPH. The Senator from Indiana says that, under any tribunal that may be adopted or that has been suggested, it is possible to lose the vote of a State. I think if he will refer to the plan I suggested yesterday he will find that it would be impossible to lose the vote of any State. I made the argument yesterday; I do not know whether the Senator was present at the time or not. My proposition was this: That the two Houses should vote separately; that in the event of their not being able to agree as to which the true returns of a State were, and in that event only, the President of the Senate should declare which the true returns were; but that declaration should be based upon aggregating the votes of the two Houses, and a majority in that aggregation should determine the result. I would like to know from the Senator from Indiana whether that does not preclude the possibility of rejecting the vote of a State?

Mr. CAMERON, of Pennsylvania. I rise for the purpose of mak-

ing a motion to go into executive session. We cannot get through with this subject to-day, and it may as well be disposed of hereafter.

The PRESIDENT *pro tempore*. Does the Senator from Indiana yield for that purpose?

Mr. MORTON. I yield for that purpose.

The PRESIDENT *pro tempore*. Pending the motion, the Senator from Texas [Mr. MAXEY] desires to present an amendment.

Mr. MORTON. Let it be read for information. I desire to hear it.

Mr. MAXEY. I move to insert at the end of section 2 the following:

But, if the two Houses fail to agree as to which of the returns shall be counted, then the President of the Senate, as presiding officer of the two Houses, shall decide which is the true and valid return; and the same shall then be counted.

Mr. MERRIMON. I ask leave to submit an amendment which I send to the Clerk's desk, and which I ask to have read for information.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to insert after the word "which" in section 2, line 7, the words:

Shall be duly authenticated by the State authorities, recognized by and in harmony with the United States, as provided by the Constitution.

So that, if amended, that portion of the section will read:

And that return from such State shall be counted which shall be duly authenticated by the State authorities, recognized by and in harmony with the United States, as provided by the Constitution.

The PRESIDENT *pro tempore*. The Senator from North Carolina proposes to offer this amendment when it shall be in order.

Mr. MERRIMON. As I wish to submit some remarks upon it, I ask that the amendment be printed.

The PRESIDENT *pro tempore*. The amendment will be printed.

EXECUTIVE SESSION.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session, the doors were re-opened, and (at four o'clock and eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 21, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read, corrected, and approved.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 386) approving an act of the Legislative Assembly of Colorado Territory;

An act (S. No. 489) for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham;

An act (S. No. 490) for the relief of Hibben & Co., of Chicago, Illinois;

An act (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B. Dyer, late brigadier-general and Chief of Ordnance, United States Army;

An act (H. R. No. 1596) granting a pension to Ruth Ellen Greelaud; and

An act (H. R. No. 198) to relieve the political disabilities of Robert Tansill, of Virginia.

DISTRICT JUDGE FOR COLORADO TERRITORY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Attorney-General, transmitting the original papers in the case of Judge Belford, late district judge of the Territory of Colorado, and also in the case of Judge Stone, of the same district; which were referred to the Committee on the Judiciary.

IMPROVEMENT OF ALLEGHANY RIVER, PENNSYLVANIA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the requirements of the river and harbor act of March 3, 1875, a report of the Chief of Engineers on the examination of the Alleghany River near Freeport, Pennsylvania; which was referred to the Committee on Commerce.

WAGONS, ETC., HIRED BY QUARTERMASTER'S DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Acting Quartermaster-General and accompanying statements relative to clothing, wagons, &c., hired by the Acting Quartermaster-General; which was referred to the Committee on Appropriations.

NEZ PERCÉ INDIAN AGENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a copy of the order of May 12, 1875, relative to the protection of the Nez Percé Indian agent in the possession of his agency; which was referred to the Committee on Private Land Claims.

WATER LOTS ON EAST BANK OF THE POTOMAC.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the report of the Chief of Engineers on the privileges on water lots on the east bank of the Potomac River; which was referred to the Committee on Expenditures in the War Department.

DR. D. M. ALLEN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting copies of the papers in the case of Dr. D. M. Allen, arrested in 1862 and held at Camp Chase upon a charge of disloyalty; which was referred to the Committee on War Claims.

FORTIFICATIONS ON GALVESTON ISLAND, TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the report of the Chief of Engineers on House bill No. 2089, to provide for the erection of military fortifications on Galveston Island, Texas; which was referred to the Committee on Military Affairs.

DISPOSITION OF INDIAN FUNDS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the draught of a bill authorizing him as trustee of various Indian tribes to deposit certain funds in the Treasury of the United States in lieu of their investment; which was referred to the Committee on Indian Affairs.

EMPLOYÉS OF INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with section 194 of the Revised Statutes, the names of clerks and others employed in his Department or in any of its Bureaus during the year 1875, the time they were employed, and the sums paid to each; which was referred to the Committee on Reform in the Civil Service.

COMMITTEE ON EXPENDITURES IN TREASURY DEPARTMENT.

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

Resolved, That the Committee on Expenditures in the Treasury Department be instructed to inquire into the management and disposition of captured and abandoned property; and that said committee be increased to nine members, be authorized to send for persons and papers, and report to this House by bill or otherwise.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. TERRY, by unanimous consent, from the Committee on Military Affairs, reported back the annual report of the board of managers of the National Home for disabled volunteer soldiers for 1875, and moved that it be printed and recommitted; which motion was agreed to.

YOSEMITE TURNPIKE-ROAD COMPANY.

Mr. PAGE, by unanimous consent, introduced a bill (H. R. No. 2797) granting to the Yosemite Turnpike-Road Company right of way through the public lands for a wagon-road; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

WASHINGTON, CINCINNATI AND SAINT LOUIS RAILROAD COMPANY.

Mr. JONES, of Kentucky, by unanimous consent, from the Committee on Roads and Canals, reported a substitute (H. R. No. 2798) for the bill (H. R. No. 181) to authorize the Washington, Cincinnati and Saint Louis Railroad Company to construct a narrow-gauge railway from tide-water to the cities of Saint Louis and Chicago, with amendments; which were ordered to be printed and recommitted.

THE POTTAWATOMIE INDIANS.

Mr. VAN VORHES, by unanimous consent, from the Committee on Indian Affairs, reported back a bill (H. R. No. 160) to make certain payments to the Pottawatomie Indians, with a report in writing; which was ordered to be printed, and the bill and report recommitted.

REGULATION OF STEAM-VESSELS, ETC.

Mr. REAGAN. I am directed by the Committee on Commerce to report back a bill (H. R. No. 1190) to amend certain sections of titles 48 and 52, regulation of commerce and navigation and regulation of steam-vessels, Revised Statutes of the United States, pages 800 and 857, with a substitute, and to move that the substitute (H. R. No. 2799) be printed and recommitted.

There was no objection, and it was ordered accordingly.

Mr. REAGAN. I now ask that the consideration of the substitute be set for Tuesday of next week and from day to day until disposed of.

Mr. HURLBUT. I do not object, if it is not to interfere with the appropriation bills.

Mr. REAGAN. We do not ask that it shall interfere with appropriation bills.

The SPEAKER. That is understood.

Mr. FRYE. There has been an assignment of an important bill reported from the Committee on the Judiciary for Wednesday of next week, and this should not interfere with an assignment already made.

Mr. REAGAN. Let it be set for Tuesday, without continuing from day to day, as we think we can dispose of it in one day.

The SPEAKER. With that modification the gentleman's motion will be considered as agreed to; that is, that it shall be the special order only for next Tuesday.

There was no objection, and it was ordered accordingly.

SCHOONER BERGEN.

Mr. TEESE, by unanimous consent, introduced joint resolution (H. R. No. 88) referring to the Court of Claims the claim against the United States for the loss of the schooner Bergen; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

WILLIAM WATTS.

Mr. EDEN, by unanimous consent, from the Committee on War Claims, moved that committee be discharged from the further consideration of a bill (H. R. No. 2361) to refund to William Watts, of the county of Boone, and State of Kentucky, the sum of $5,610 illegally taken from him and paid into the Treasury of the United States by the collector of internal revenue for the sixth district of Kentucky in excess of the amount of lawful tax collected upon the sale of 28,031 pounds of tobacco on the 28th of June, 1864, and that the same be referred to the Committee of Claims; which motion was agreed to.

ORDER OF BUSINESS.

Mr. HURLBUT. I hope we will now have the regular order of business. There are important reports waiting.

The SPEAKER. The morning hour now begins at fifteen minutes to one o'clock, and the regular order of business is the call of committees for reports of a public nature, the call resting with the Committee on the Judiciary.

TRANSFER OF CAUSES IN ALABAMA.

Mr. HURD, from the Committee on the Judiciary, reported back a bill (H. R. No. 1439) authorizing the transfer of certain causes from the circuit court of the United States for the district of Alabama at Mobile into the circuit court of the United States for the middle and northern districts of Alabama at Montgomery and Huntsville, in said State, with the recommendation that it do pass.

The bill, which was read, provides that all civil causes, actions, suits, executions, pleas, process, or other proceedings whatsoever, which were transferred by the act of Congress approved March 3, 1873, from the district courts of the United States for the northern and middle districts of Alabama into the circuit court of the United States for the district of Alabama at Mobile, Alabama, and which are now pending in said circuit court, be, and the same are hereby, transferred from said circuit court at Mobile into the circuit courts of the United States for said northern and middle districts, respectively; and the circuit courts of the United States in and for said districts shall have jurisdiction to try and determine all such causes and actions so transferred the same as if such causes or actions had been originally brought in such circuit court; and the clerk of said circuit court at Mobile shall transmit all of the original papers in such causes, together with a complete transcript of all dockets, minutes, judgments, orders, and decrees, in such of said causes as are not finally disposed of in said circuit court at Mobile, to the circuit courts for said northern and middle districts, respectively, to each the causes, &c., as were originally transferred from the district courts of said districts.

Mr. HURD. I will yield to the gentleman from Alabama, [Mr. CALDWELL.]

Mr. CALDWELL, of Alabama. Mr. Speaker, I apprehend that it is only necessary to state the object sought to be accomplished by this bill to commend it to the favorable consideration of the House. By turning to the act of March 3, 1873, it will be found that the circuit-court powers which had previously vested in the district court for the middle and northern district of Alabama were taken away from those districts, and that the suits and causes then pending in those district courts were transferred to the circuit court at Mobile, Alabama. By act of June 22, 1875, there were two additional circuits established in Alabama, one at Montgomery and one at Huntsville, presided over by the same judge who held the circuit court at Mobile. All the causes in the district courts having been transferred to Mobile, the papers are there still. The object of this bill is to transfer those causes to the circuit courts in the two districts indicated. There is no objection to the bill and there can be none, and I trust the House will pass it.

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. CALDWELL, of Alabama, 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.

APPROVAL OF BILLS IN ARIZONA.

Mr. LYNDE, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, the bill (H. R. No. 1970) relating to the approval of bills in the Territory of Arizona.

The bill was read. It provides that every bill which shall have passed the legislative council and house of representatives of the Territory of Arizona shall, before it becomes a law, be presented to the governor of the Territory; if he approve it, he shall sign it, but if he do not approve it, he shall return it, with his objections, to the house in which it originated, who shall enter the objections at large upon their journal and proceed to reconsider it. If after such reconsideration two-thirds of that house shall pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law, the governor's objection to the contrary notwithstanding; but in such case the votes of both houses shall be determined by yeas and nays and be entered upon the journal of each house respectively. And if the governor shall not return any bill presented to him for approval, after its passage by both houses of the Legislative Assembly, within three days (Sundays excepted) after such presentation, the same shall become a law in like manner as if the governor had approved it; provided, however, that the assembly shall not have adjourned *sine die* during the three days prescribed as above, in which case it shall not become a law.

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. LYNDE 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.

CHAPTER 137 OF ACTS OF 1875.

Mr. LYNDE also, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, the bill (H. R. No. 2324) to amend section 3 of chapter 137 of the acts of the year 1875.

The bill was read. It provides that section 3 of chapter 137 of the acts of the year 1875 be amended by striking out, at the end of the section, the words "and the trial of issues of fact in the circuit courts shall in all suits, except those of equity and of admiralty and maritime jurisdiction, be by jury."

In its second section it provides that issues of fact in civil cases in any circuit court may be tried and determined by the court without the intervention of a jury, whenever the parties, or their attorneys of record, file with the clerk a stipulation in writing waiving a jury. The finding of the court upon the facts, which may be either general or special, shall have the same effect as the verdict of a jury.

Mr. LYNDE. It was formerly the law in the United States courts, as well as the law in most of the State courts, that where the parties were willing and agreed that a cause should be tried by the court they might waive the jury. At the time of the revision of the laws of the United States the law was changed and it is required that the trial of all issues of facts in all suits shall be by jury, and the courts have construed the law as meaning that they have no jurisdiction and no right to try a case, even where the parties consent. That has been found very inconvenient, and this bill is recommended by the Committee on the Judiciary as an amendment to the Revised Statutes.

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. LYNDE 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.

SPEECHES IN CONGRESS.

Mr. LYNDE also, from the Committee on the Judiciary, reported back, with an adverse recommendation, the bill (H. R. No. 1197) providing for the printing of speeches and remarks of members of Congress and of United States Senators in the language in which they are delivered; and the same was laid on the table.

CLERK OF GREENVILLE DISTRICT COURT, SOUTH CAROLINA.

Mr. ASHE, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2256) to provide for filling the office of clerk of the district court of the United States at Greenville, South Carolina.

The bill was read. It authorizes and empowers the clerk of the circuit court of the United States for the State of South Carolina to perform the duties and receive the emoluments appertaining to the office of clerk of the district court of the United States at Greenville, in said State, which has circuit jurisdiction.

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. ASHE 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.

CONTRIBUTIONS TO ELECTION FUNDS.

Mr. CAULFIELD, from the Committee on the Judiciary, reported back, with an amendment, the bill (H. R. No. 876) making it a misdemeanor for any person in the employ of the United States to demand or contribute election-funds.

The bill provides that, from and after the passage of the act, it shall not be lawful for any person or persons in the employment of the United States to demand from any other person so employed any money or other valuables to be used as an election-fund or to defray the expenses of an election in any State, county, or national election in the United States.

The bill in its second section provides that it shall not be lawful for any person or persons employed in the service of the United

States, in any manner whatever, to contribute any money or other valuable thing to be used as an election-fund or to aid in the expenses of any election or canvass for an election in any State, county, or district in the United States.

The bill in its third section provides that any person violating the provisions of either of the preceding sections shall, upon conviction, be deemed guilty of a misdemeanor, and shall be fined not exceeding $1,000 and imprisoned not exceeding one year, at the discretion of the judge trying the cause.

The bill in its fourth section provides that the judges of the district and circuit courts shall give this act in charge to grand juries.

The amendment reported by the committee was as follows:

In section 1, line 5, after the word "demand," insert the words "or solicit;" so that it will read: "it shall not be lawful for any person or persons in the employment of the United States to demand or solicit from any other person so employed," &c.

Mr. CAULFIELD. I yield to the gentleman from Kentucky, [Mr. BROWN.]

Mr. BROWN, of Kentucky. I was authorized by the Committee on Reform in the Civil Service to report a bill on this subject when that committee should be called, and I now desire to offer it as an amendment in the nature of a substitute for the bill just reported.

The SPEAKER. Does the gentleman from Illinois [Mr. CAULFIELD] yield for that purpose?

Mr. CAULFIELD. I yield to the gentleman from Kentucky that he may offer his substitute.

Mr. REAGAN. I desire to offer a section as a substitute for the first section of the bill, so as to perfect the original bill before the substitute is voted on.

Mr. CAULFIELD. I call for the reading first of the substitute offered by the gentleman from Kentucky.

The Clerk read as follows:

Strike out all after the enacting clause and insert as follows:

SECTION 1. That no officer or employé of the Government shall require or request, give to or receive from, any other officer or employé of the same or other person, directly or indirectly, any money, property, or other thing of value, for political purposes; and any such officer or employé who shall offend against the provisions of the act shall at once be dismissed from the service of the United States, and also be deemed guilty of a high misdemeanor, and on conviction thereof fined not less than five hundred nor more than three thousand dollars, and imprisoned not more than one year, at the discretion of the judge trying the case.

SEC. 2. That the district courts of the United States shall have jurisdiction of the offenses created by this act.

SEC. 3. That the judges of the district and circuit courts shall give this act in charge to the grand juries.

The SPEAKER. The Clerk will now read the substitute for the first section sent to the desk by the gentleman from Texas, [Mr. REAGAN.]

The Clerk read as follows:

SECTION 1. That from and after the passage of this act it shall be unlawful for any officer of the United States, postmaster, clerk, or employé of the same, to give, directly or indirectly, any money or thing of value to any person or persons or political party or other organization or association, for the purpose or with the intent to assist or forward the interests of any person or persons or political organization or party in any election for any officer of the United States or of any State. And it shall be unlawful for any person or persons to solicit, ask, receive, or accept any gift or donation of any money or other valuable thing for the purpose or with the intent that the same shall be used to assist in or influence the election of any officer.

The SPEAKER. Does the gentleman yield for that amendment?

Mr. CAULFIELD. I cannot yield for that amendment.

The SPEAKER. Then the amendment is not before the House.

Mr. HOAR. I desire to offer an amendment to come in as a proviso at the end of the second section.

Mr. REAGAN. I would ask the gentleman from Illinois [Mr. CAULFIELD] to consider that neither in the original bill nor in the substitute proposed by the gentleman from Kentucky [Mr. BROWN] is the provision of the latter part of my amendment included.

The SPEAKER. The amendment is not before the House.

Mr. REAGAN. How is it that amendments cannot be offered to the bill?

The SPEAKER. Because the gentleman from Illinois [Mr. CAULFIELD] has the floor and is entitled to hold it for one hour under the rules.

Mr. REAGAN. I give notice then that I will offer the amendment after the hour is out.

The Clerk read the amendment proposed by Mr. HOAR, as follows:

Provided, Nothing herein shall be construed to prevent voluntary contributions for the purpose of circulating documents or procuring public addresses for the purpose of giving information on questions of public interest.

The SPEAKER. Does the gentleman from Illinois yield for that amendment?

Mr. CAULFIELD. At the present stage of the proceedings I cannot yield for that amendment. I have simply to say that as far as the bill which I have reported by order of the committee and the bill which the gentleman from Kentucky [Mr. BROWN] has offered as a substitute are concerned, I see but little difference between the two bills, except that probably the bill offered by the gentleman from Kentucky is somewhat more comprehensive than the one reported by the committee. As between the two bills, I would certainly have no objection to either, but I stand of course by the report of the committee.

Mr. REAGAN. The gentleman will see that neither the bill nor the substitute makes it an offense to solicit or receive money, and the men who solicit and receive money are generally worse than the men who give it. I hope he will accept the amendment I have offered.

Mr. BROWN, of Kentucky. I think the gentleman will see that my substitute covers that point.

Mr. CAULFIELD. I will state to the gentleman from Texas [Mr. REAGAN] that I have read the bills carefully, and I am satisfied that the substitute makes the very provision that the gentleman is anxious to make by his amendment.

Mr. TOWNSEND, of Pennsylvania. I ask the gentleman from Illinois [Mr. CAULFIELD] to allow me to offer an amendment?

Mr. CAULFIELD. It may be read for information.

Mr. HOAR. Will the gentleman from Illinois allow my amendment to be before the House?

Mr. CAULFIELD. I will allow the amendment of the gentleman from Pennsylvania to be read for information.

The SPEAKER. Then the Chair understands that the gentleman from Illinois does yield to the gentleman from Pennsylvania, [Mr. TOWNSEND.]

Mr. CAULFIELD. That his amendment may be read for information.

The SPEAKER. That was not the understanding of the Chair.

Mr. CAULFIELD. Then I yield for no purpose.

The SPEAKER. Is it then an amendment pending before the House or not? The gentleman should say yes or no.

Mr. McCRARY. I wish to make an appeal to my colleague from Illinois, on the committee. He knows that the minority desire to propose the amendment suggested by the gentleman from Massachusetts, and I think on reflection he will conclude to allow a vote to be taken on that amendment.

Mr. CAULFIELD. I was not aware of the fact the gentleman states, and under this circumstance I yield to allow the amendment to be offered.

Mr. TOWNSEND, of Pennsylvania. I hope the gentleman will allow my amendment to be read for information.

Mr. CAULFIELD. O! It may be read for information.

The Clerk read the amendment proposed by Mr. TOWNSEND, of Pennsylvania, as follows:

Provided, however, That any expenditure for election purposes allowed by the constitution or laws of any State shall not be construed as being within the provisions of this act.

Mr. TOWNSEND, of Pennsylvania. Now I ask the gentleman to allow that amendment to be before the House.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Pennsylvania for the purpose of offering that amendment?

Mr. CAULFIELD. I cannot yield.

Mr. TOWNSEND, of Pennsylvania. The gentleman will allow me to explain that the constitution and laws of the State of Pennsylvania allow certain expenses for electioneering purposes, and I ask him to except these from the provisions of his bill.

Mr. BLAINE. Such as?

Mr. TOWNSEND, of Pennsylvania. They are allowed for the distribution of information.

Mr. CAULFIELD. I now yield to the gentleman from Tennessee, [Mr. DIBRELL,] who introduced the bill.

Mr. DIBRELL. I have carefully read the bill supported by the gentleman from Kentucky, [Mr. BROWN,] and I believe it is more comprehensive than the one I introduced. I am willing therefore to accept it, and hope the House will pass it.

Mr. CAULFIELD. I now move the previous question on the passage of the bill.

Mr. TOWNSEND, of Pennsylvania. Before the gentleman does that I ask him if he will not allow my amendment to be offered to the House.

Mr. HOAR. Before the previous question is sustained I desire to ask the gentleman from Kentucky [Mr. BROWN]—I have not seen his bill in print—if he will consider my amendment as pending as a proviso to his substitute as well as to the original bill. If his bill should be substituted even after the House had adopted my amendment it would fall to the ground if it were only to the original bill. I do not ask him to accept it, but to allow it to be pending as an amendment to his substitute.

Mr. BROWN, of Kentucky. As I understand it, I will not now object.

Mr. HOAR. Then, Mr. Speaker, I ask that it be considered as an amendment pending to both the bill and the substitute.

Mr. BROWN, of Kentucky. Before making that arrangement with the gentleman from Massachusetts, I would like to hear his amendment again reported.

Mr. REAGAN. I desire to call the attention of the gentleman from Kentucky [Mr. BROWN] to the fact that his bill only provides penalties against officers and employés of the Federal Government. It does not provide a remedy against any one else; it fails in a most important feature to meet the necessities of the case.

The Clerk again read the bill reported from the committee with the amendments recommended by the committee, the substitute moved by Mr. BROWN, of Kentucky, and the amendment proposed by Mr. HOAR.

The previous question was then seconded and the main question ordered.

Mr. HOAR. Before the House proceeds to vote, I suppose my friend from Illinois [Mr. CAULFIELD] intends to avail himself of his right to close the debate after the previous question has been ordered. I would like to say a few words in support of the amendment which I have moved.

The SPEAKER. Does the gentleman from Illinois [Mr. CAULFIELD] yield to the gentleman from Massachusetts, [Mr. HOAR?]

Mr. CAULFIELD. I insist upon the previous question.

Mr. HOAR. I do not ask the gentleman to withdraw the previous question. This is a bill reported from the committee, and the gentleman reporting it has the right, if he chooses to avail himself of it, to an hour to close the debate upon the bill, after the previous question has been ordered. I ask him to yield for a few minutes, that I may, as a member of this committee, briefly explain my purpose in moving the amendment I have offered.

Mr. CAULFIELD. This amendment of the gentleman was spoken of in the committee, and I am willing to yield to him for five minutes to explain it.

Mr. HOAR. It may take ten minutes; I will try to explain in five minutes. This is a very important bill and involves very important constitutional principles It proposes to put a stop to the abuse of collecting money, by such moral intimidation as may well exist in such cases, from persons in the employ of the Government, to be used for political purposes. It is one of those measures which come naturally from the party in opposition to the Administration. There are many abuses which grow up in the political administration of this country, which the party in opposition to the Administration are likely to feel, are likely to perceive, and are more likely than their opponents to endeavor to eradicate. And no factious opposition should be offered to such reform.

The practice of using money corruptly to affect popular elections in this country is one of the most dangerous practices to our liberties. Where it prevails it poisons the waters of civil liberty in the fountain. I, for one, had rather be governed by a monarch or an order of nobility than be governed by a bribed majority in a popular vote. And the practice wherever it grows up ought to be burned out as with a red-hot iron, no matter what party may have profited by it in the past or what party may hope to profit by it in the future.

There is but one thing more wicked, there is but one thing more dangerous. The corruption of voters where all the citizens, all the people, can vote is in its nature limited by the expense which would be required to corrupt them on a large scale. A fraud in the count by the officers having charge of an election is a worse and a graver danger and a greater crime. But this crime is great enough, wherever it exists or wherever it is threatened, to demand the serious attention of the law-making power.

But in this attempt to correct this abuse, if it exists, or to prevent it if it be threatened, we must be careful not to invade the constitutional rights of any class of our citizens. I believe that those of our fellow-citizens who hold public office are not and should not be excluded from the exercise of their constitutional rights as American citizens. They should not be set apart as a class of pariahs or Brahmins, without political interests, without the right to exercise their fair share in the government of the state, and without the interests and the privileges which belong to the rest of us. I think it is the privilege of every American citizen to contribute voluntarily and without coercion or solicitation to two things, to the circulation of public documents, speeches, and essays on political questions, and to the aiding of public addresses made by persons who can instruct the people in that way. I think it comes within, if not the letter, certainly the spirit of that amendment to the Constitution of the United States which the State of Virginia proposed immediately upon its inception; that is, that Congress shall make no law abridging the freedom of speech or of the press. It is an abridgment of the freedom of the press to deny to any American citizen the right to present to any other American citizen any printed matter of a public nature which he conceives may aid him in the discharge of his political duties.

I am willing to support this bill, stringent and severe as it is, prohibiting any officer of the Government from contributing, or any officer of the Government from soliciting of his fellow-officer a contribution to political funds; but I desire to have this proviso inserted in the bill, that we shall not prevent the voluntary contribution by the office-holder for the mere purpose of circulating documents or of providing for public addresses. Without that it seems to me that this bill would trench upon the spirit and upon the letter of the second article of the amendments to the Constitution.

Mr. CAULFIELD. In reply to the gentleman from Massachusetts [Mr. HOAR] in what he has said about the amendment which he has offered, I have simply to say that it was the object of the member introducing this bill, it was the object of the committee that reported it, to cut off all apologies and excuses of every kind and nature for perpetrating fraud in all elections and advancing the interests of any party, on the part of those who are employed by the Government. We felt that those officers who are in the employ of the Government should contribute their time exclusively to the Government that employs and pays them for their services. If the amendment is allowed it will only afford a cloak for contributions to election funds such as have heretofore existed. We wish to cut off all apologies, all excuses of every kind, all subterfuges of every character which may add to the means of carrying on elections by contributions of funds on the part of those employed by the Government.

The bill as offered prohibits any officer in the employ of the Government not only from soliciting but also from contributing; it prohibits all kinds of contributions upon the part of every class of officials in the employ of the Government. We are opposed to the whole thing. We wish to establish a new rule; we desire that no vestige of the old custom shall remain.

The bill does not prohibit persons in private life, persons not in the employ of the Government, from contributing for such purposes as the gentleman indicates; but it will forbid every Government official, from the highest to the lowest, to contribute to the election fund in any possible shape. We believe the measure is right; it seeks to remedy a great evil; and we must therefore insist on its passage as reported.

Mr. BLAINE. Will the gentleman permit me to ask him one question? Is the language of the bill such as to include within its provisions Senators and Representatives in Congress?

Mr. CAULFIELD. I do not so consider.

Mr. BLAINE. It seems to me that is a very important point to be included.

Mr. CAULFIELD. I do not consider that the bill includes Senators and Representatives, for the reason that they are not, properly speaking, officers of the Government.

Mr. BLAINE. Why not include them?

Mr. CAULFIELD. If the gentleman wishes to include them, he may offer an amendment.

Mr. BLAINE. I will certainly do so if the gentleman will permit me, because my observation has been, and I think the testimony of the country will be, that larger "corruption funds" have been contributed in campaigns for Congress, both by successful and defeated candidates, than have been contributed for a generation by all the Government clerks aimed at in the bill. If you attempt now to cut off the five and ten dollar contributions, which certainly ought to be saved to the poor clerks from whom they may be taken, while you allow a member of Congress, or a candidate for Congress, to contribute $5,000, or $10,000, or $20,000—which I have heard of being done—it seems to me your bill is a mere pretense, and does not strike at all at the chief feature of the existing evil.

The gentleman permits me, and I move to amend by inserting "Senators and Representatives in Congress."

Mr. CAULFIELD. I hold the floor. I refuse to yield further.

The SPEAKER. Does the gentleman yield for this amendment.

Mr. CAULFIELD. No, sir; I will not yield for any amendment; and I will give very good reasons for not yielding.

Mr. BLAINE. But the gentleman yields for this.

Mr. CAULFIELD. I will not.

Mr. BLAINE. The gentleman said he would yield.

Mr. CAULFIELD. Very well; I withdraw the assent; I will not yield.

Mr. BLAINE. Then the gentleman declines to have Senators and Representatives brought under the same rule that he wants to apply to Government clerks.

Mr. CAULFIELD. Mr. Speaker, there are other members of the Judiciary Committee, I understand, who have reports to offer. I do not know when our committee will again be called; and I wish to give those gentlemen an opportunity to report. But, in reply to the gentleman from Maine, I must say that, whatever his experience may have been in regard to contributions upon the part of members of Congress and frauds committed by them, I know nothing about them. He may speak from experience; I have no experience upon that subject.

Mr. BLAINE. I have run seven times for Congress; and I never contributed so much as a postage-stamp for any improper purpose in securing my election; but I could indicate gentlemen who, if rumor is to be trusted, have spent very large sums in political campaigns. I do not refer to any member of the present Congress.

Mr. CAULFIELD. I insist upon the previous question.

Mr. REAGAN. Before the gentleman does that——

Mr. CAULFIELD. I can yield no longer.

Mr. BLAINE. I rise to a privileged motion. I wish to have a test made upon this question; and I move to reconsider the vote by which the main question was ordered. It will be for the House to say on yeas and nays whether it will include Representatives and Senators in Congress.

A MEMBER. And candidates.

Mr. BLAINE. No, we cannot do that, because it is too indefinite. But Representatives and Senators in Congress ought to be included. For that express purpose, I move to reconsider the vote by which the main question was ordered; and on that motion I call for the yeas and nays.

Mr. HOLMAN. I trust there will be no objection to that course.

Mr. BLAINE. The gentleman from Illinois [Mr. CAULFIELD] did object to it.

Mr. CAULFIELD. I insist upon the previous question.

The SPEAKER. The gentleman from Maine [Mr. BLAINE] moves to reconsider the vote by which the main question was ordered.

Mr. CAULFIELD. I did not yield for that purpose.

The SPEAKER. It is a privileged motion.

Mr. WHITEHOUSE. I hope the gentleman from Illinois will yield. I think the amendment is eminently proper.

The SPEAKER. The gentleman is not in order.

Mr. HOLMAN. I trust there will be no objection.

The SPEAKER. The gentleman from Indiana is not in order.

The question being taken on the motion to reconsider, the Speaker declared that the "ayes" appeared to prevail.

Mr. CAULFIELD. I call for a division.

Mr. BLAINE. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. CAULFIELD. I am willing to yield——

Several MEMBERS. Regular order!

The question was taken; and there were—yeas 205, nays 4, not voting 80; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banks, Banning, Barnum, Bass, Beebe, Blackburn, Blaine, Blair, Bland, Blount, Boone, Bradford, Bradley, Bright, John Young Brown, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cannon, Caswell, Cate, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Conger, Cook, Cowan, Cox, Crapo, Crounse, Culberson, Cutler, Davis, De Bolt, Denison, Douglas, Dunnell, Durand, Durham, Eames, Eden, Egbert, Ellis, Ely, Evans, Farwell, Faulkner, Felton, Forney, Fort, Foster, Franklin, Freeman, Frost, Frye, Fuller, Garfield, Glover, Goode, Goodin, Gunter, Hale, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hathorn, Haymond, Hendee, Henderson, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Hoge, Holman, Hopkins, House, Hubbell, Hunter, Hunton, Hurd, Hurlbut, Hyman, Jenks, Thomas L. Jones, Joyce, Kehr, Ketchum, Franklin Landers, George M. Landers, Luttrell, Lynch, Magoon, McCrary, McDill, McFarland, McMahon, Metcalfe, Miller, Milliken, Money, Monroe, Morgan, Morrison, Neal, New, Norton, O'Brien, Oliver, O'Neill, Page, Parsons, Payne, Phelps, John F. Philips, William A. Phillips, Pierce, Plaisted, Poppleton, Potter, Pratt, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Roberts, Robinson, Sobieski Ross, Rusk, Sampson, Savage, Scales, Schleicher, Seelye, Singleton, Sinnickson, Slemons, Smalls, A. Herr Smith, William E. Smith, Sparks, Springer, Strait, Stevenson, Stone, Stowell, Tarbox, Teese, Thompson, Thomas, Throckmorton, Martin I. Townsend, Washington Townsend, Tucker, Tufts, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Warren, Erastus Wells, G. Wiley Wells, Wheeler, White, Whitehouse, Whiting, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Willis, James Wilson, Alan Wood, jr., Woodburn, Woodworth, and Yeates—205.

NAYS—Messrs. Caulfield, Dibrell, John Robbins, and Wike—4.

NOT VOTING—Messrs. Adams, Bell, Bliss, William R. Brown, Buckner, Burleigh, Candler, Cason, Chapin, Clymer, Cochrane, Collins, Danford, Darrall, Davy, Dobbins, Gause, Gibson, Hancock, Haralson, Benjamin W. Harris, Hatcher, Hays, Hereford, Hooker, Hoskins, Frank Jones, Kasson, Kelley, Kimball, King, Knott, Lamar, Lane, Lapham, Lawrence, Leavenworth, Levy, Lewis, Lord, Lynde, Edmund W. M. Mackey, L. A. Mackey, Maish, MacDougall, Meade, Mills, Morey, Mutchler, Nash, Odell, Packer, Piper, Platt, Powell, Purman, Rainey, Randall, Miles Ross, Sayler, Schumaker, Sheakley, Southard, Stenger, Swann, Terry, Thornburgh, Turney, Waldron, Gilbert C. Walker, Walling, Walls, Walsh, Ward, Whitthorne, Wigginton, Wilshire, Benjamin Wilson, Fernando Wood, and Young—80.

So the motion was agreed to.

During the vote,

Mr. HOUSE stated that his colleague, Mr. YOUNG, was detained from the House by illness.

Mr. HUNTER stated that his colleague, Mr. KASON, was absent on account of sickness.

Mr. BASS stated that Mr. DANFORD, who was sick in bed, requested him to announce that was also the reason for his absence yesterday.

Mr. J. H. BAGLEY stated that his colleague, Mr. DAVY, was absent by leave of the House.

The vote was then announced as above recorded.

QUESTION OF PRIVILEGE.

Mr. NEW. I rise to a question of privilege.

The SPEAKER *pro tempore*, (Mr. COX in the chair.) The gentleman will state it.

Mr. BLAINE. I rise to a question of order. I wish to understand from the Chair when this question comes up in reference to which we have just voted on a motion to reconsider who will be entitled to the floor.

The SPEAKER *pro tempore*. The gentleman from Maine.

Mr. HOLMAN. I think it is time enough to decide that question when it arises. Whether the gentleman from Maine is entitled to the floor depends upon whether he is recognized by the House.

The SPEAKER *pro tempore*. The Chair has decided according to uniform usage.

Mr. BLAINE. That uniform usage gives me the floor.

The SPEAKER *pro tempore*. The Chair has so decided.

Mr. NEW. I wish first to inquire whether the morning hour has expired?

The SPEAKER *pro tempore*. It has; and the gentleman from Indiana has the floor on a question of privilege.

Mr. NEW. Mr. Speaker, yesterday the gentleman from Missouri, [Mr. GLOVER,] the gentleman from Pennsylvania, [Mr. SMITH,] and myself, three of the members on the real-estate pool special committee, were subpœnaed to appear to-day at eleven o'clock before the grand jury of this District. Inasmuch as it seems to be well settled the privilege of a member is the privilege of the House, and that privilege cannot be waived except with the consent of the House, we have thought it to be our duty to submit this matter to the House for its direction. It may not be, however, improper for me to say we are entirely willing, with the permission of the House, to obey the process that has been served upon us.

Mr. HOLMAN. Unless some gentleman desires to submit a proposition based on this announcement, I shall move the House resolve itself into the Committee of the Whole on the legislative appropriation bill.

Mr. TUCKER. I wish to introduce a resolution.

Mr. HOLMAN. I will yield for that purpose.

Mr. TUCKER. In view of what my friend from Indiana, [Mr. NEW,] mentioned to me this morning, I offer the following resolution.

The Clerk read as follows:

Whereas JOHN M. GLOVER, JEPTHA D. NEW, and A. HERR SMITH, members of this House and of the committee of this House for investigating the affairs of the real-estate pool of the District of Columbia, have been summoned to appear as witnesses before the grand jury of the district court for said District to testify; and whereas this House sees no reason why the said members should not appear and testify: Therefore,

Resolved, That they be, and are hereby, authorized to appear and testify under the said summons.

Mr. HOAR. I desire to inquire of the gentleman who offered that resolution why it enumerates the committee these gentlemen are on? I suggest whether, as this is in reference to a privilege of a member of the House and not of any member of a committee, it should not be stricken out.

Mr. TUCKER. I do not think there is any necessity for it. If the gentleman will read the resolution he will see it is not because they are members of the committee, but because they are members of this House. It is a question of privilege in reference to them as members of the House.

Mr. HOAR. If I understand the resolution, it recites that the gentlemen who are summoned to appear are members of a particular committee of the House.

Mr. TUCKER. Yes, it does do that.

Mr. HOAR. I do not understand what that has to do with the resolution.

Mr. TUCKER. I will mention simply as indicating, although the summons did not do that, the character of the inquiry as to which they were to testify before the grand jury.

Mr. HOAR. How can the gentleman know that? I do not see how the House can know what questions will be asked before the grand jury?

Mr. TUCKER. I do not think there can be any objection to it in this form.

Mr. HOAR. What has become of the privilege asserted the other day in the case of the other members?

Mr. TUCKER. I do not know that all questions of privilege are in my custody, and I cannot answer it.

Mr. HOAR. I do not think anybody else can.

Mr. TUCKER. I offered, as the gentleman from Massachusetts knows, a paper on that subject, which has not been reported as yet from the Committee on the Judiciary.

The resolution was adopted.

ORDER OF BUSINESS.

Mr. HOLMAN. I renew my motion.

Mr. BLAINE. Will the gentleman from Indiana [Mr. HOLMAN] yield to me? I will not detain the House for a moment. I merely wish to have my amendment read and ordered to be printed.

Mr. HOLMAN. I do not yield.

Mr. BLAINE. I merely ask the gentleman to yield to have the amendment printed; that is all.

Mr. HOLMAN. I have no objection to its being printed. I do not yield to have it read.

Mr. BLAINE. I merely desire to have it printed in the RECORD. It is only a few lines.

Mr. HOLMAN. I yield to have the amendment of the gentleman from Maine read.

The Clerk read as follows:

Amend section 2, line 2, by inserting after the words "United States" the following words:

Or any Senator, Representative, or Delegate in Congress.

And at the close of section add:

And the contribution of money or other valuable thing as herein prohibited by any Senator, Representative, or Delegate in Congress, while he was a candidate for such position, shall, in addition to the penalties herein prescribed, operate as a disqualification to his holding his seat.

Mr. BLAINE. I shall offer that amendment when the bill comes up to-morrow.

The SPEAKER *pro tempore*, (Mr. COX.) Does the gentleman desire to have the amendment printed in the RECORD only or does he desire to have it printed otherwise?

Mr. BLAINE. Only in the RECORD.

Mr. HOLMAN. I yield now to the gentleman from Texas [Mr. REAGAN] for the same purpose.

Mr. REAGAN. I send to the desk an amendment which I desire to have read and to be printed in the RECORD. I will offer it as an amendment when the bill is again under consideration.

The Clerk read as follows:

Amend section 1 of the substitute by striking out of the first line of said section the words "of the Government," and by inserting in lieu thereof the following:

Or other person, intending thereby to corruptly influence the election of any Senator or Representative in Congress or the election or appointment of any other officer of the United States.

Mr. HOLMAN. I now yield to the gentleman from Alabama [Mr. HEWITT] for another amendment which he desires to have printed.

Mr. HEWITT, of Alabama. I propose to offer as a substitute for

the pending bill, when I have the opportunity, the amendment which I send to the desk. I desire now to have it printed in the RECORD.

The Clerk read as follows:

SECTION 1. That it shall be unlawful for any person to solicit of any officer or employé of the Government of the United States any contribution of money or other thing of value with intent to aid in securing the election of any person to any State or Federal office whatever.

SEC. 2. That from and after the passage of this act it shall be unlawful for any officer of the United States, postmaster, clerk, or employé of the same to give, directly or indirectly, any money or thing of value to any political organization or person with intent to assist or forward the interest of any political party or the election of any particular person or persons to any office, State or Federal.

SEC. 3. That any person violating the provisions of the foregoing sections of this act shall be guilty of a misdemeanor, and, upon conviction before a court of competent jurisdiction, shall be fined not less than $1,000 and imprisoned for a period not less than six months, and shall be removed from office upon such conviction being certified by the clerk of the court before which such conviction was had to the appointing power.

GENEVA AWARD.

Mr. FRYE, by unanimous consent, introduced a bill (H. R. No. 2800) to enable the Secretary of the Treasury to pay judgments provided for in an act approved February 15, 1875, entitled "An act providing for the payment of judgments rendered under section 11, chapter 459, of the laws of the first session of the Forty-third Congress; which was read a first and second time, referred to the Committee of Ways and Means, and, with an accompanying statement, ordered to be printed.

TEXAN BORDER TROUBLES.

Mr. SCHLEICHER, by unanimous consent, from the Committee on Texan Border Troubles, reported the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That the Committee on the Texas Border Troubles shall be authorized to have a map of the Lower Rio Grande engraved and printed to accompany their report and evidence.

ORDERS TO PRINT.

On motion of Mr. CAULFIELD, by unanimous consent, the bill (H. R. No. 876) making it a misdemeanor for any person in the employ of the United States to demand or contribute election funds and the substitute therefor offered by Mr. BROWN, of Kentucky, were ordered to be printed.

On motion of Mr. WALLACE, of South Carolina, by unanimous consent, the bill (H. R. No. 2255) for the relief of mail contractors for services rendered in certain States prior to May 31, 1861, was ordered to be reprinted.

LONDON AGENTS OF NAVY DEPARTMENT.

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

Resolved, That the Secretary of the Navy be, and he is hereby, requested to report to this House, at the earliest practicable date, a statement of the accounts of the Navy Department with the fiscal agents of that Department at London for each year from 1868 to date, giving the names of such fiscal agents, and showing the monthly balances of said accounts.

MOVEMENT OF TROOPS IN NEW MEXICO.

Mr. AINSWORTH. I ask unanimous consent to offer for present consideration the following resolution:

Resolved, That the Secretary of War be directed to inform this House whether troops have been ordered from Fort Union to Colfax County, New Mexico; and, if so, why they were so ordered.

Mr. FORT. I object to the present consideration of that resolution. Let it be referred to the Committee on Military Affairs.

Mr. AINSWORTH. Very well.

The resolution was referred to the Committee on Military Affairs.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. I now insist on my motion that the House resolve itself into Committee of the Whole to resume the consideration of the legislative, &c., appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. COX in the chair,) and proceeded to consider the special order, being the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. The gentleman from Ohio [Mr. FOSTER] is entitled to the floor.

Mr. FOSTER. I yield for ten minutes to the gentleman from Michigan, [Mr. HUBBELL.]

Mr. HUBBELL. Mr. Chairman, the experience of ages has confirmed the fact that the natural tendency of the human race is to arrange itself into nationalities, each under a separate and distinct government.

The first object of each of these separate organizations is to protect its subjects in their lives, property, and rights, and to encourage by every legitimate means the development of their material interests.

A judicious system of political economy, under which the wealth and prosperity of a nation may be advanced, commands in every country the best efforts of its ablest statesmen; and under each well-organized government laws are made and put in force mainly with the view of advancing the interests of its own people without regard to the interests of other communities or powers beyond a due respect for the regulations of international law.

Free-traders condemn this policy as involving a selfish principle; but it is and must ever be the fundamental basis of national legislation and advancement. Even David A. Wells, in his report to the Secretary of the United States Treasury for 1868, page 23, says:

A careful study of the financial systems of the various commercial nations of Europe has led the commissioner unhesitatingly to the conclusion that, whatever may be the state of European public opinion in respect to free trade and whatever may be the claims professed for it on the broad grounds of liberality and humanitarianism, the fiscal legislation of Great Britain, France, Germany, Belgium, Holland, Austria, and Russia is now, and always has been, framed solely and exclusively with reference to one object, namely, the promotion of supposed national self-interest, and has never had the slightest regard to the interest of any other nation, or to any arguments other than those based upon specific national wants and national experiences.

Joseph Wharton, in his admirable *brochure* on national self-protection, justly claims that "the nation exists of itself and for itself, not by the grace or for the benefit of any beyond its boundaries;" and he logically adds that—

It cannot be seriously disputed that this exclusive property of each nation in itself, this assiduous caring by each for its own special weal, and this watchful, semi-antagonistic attitude of each toward its neighbors have the same beneficial effect upon each that comes to individuals from each person being perfectly convinced that his fate depends upon his own exertion of his faculties, that his task is to till his own field and mind his own family and business, being well-assured that he and his, and not others, shall reap the harvest and enjoy the fruits of diligence and thrift.

All nations may not adopt the same methods of carrying out this principle. In fact, no system of political economy ever has or can be devised that will be found to admit of universal application. As nations differ in the extent of their geographical boundaries, in the varieties and qualities of their soils, in the temperature and changes of climate, in the diversity and extent of their mineral treasures, so will the people adapt themselves to their circumstances, without special reference to any defined or fixed system of political economy known in theory or practice.

Under these varying circumstances it has ever been the mission of enlightened statesmanship to discriminate and legislate with a strict regard to circumstances and with the view of securing the largest degree of prosperity to all classes within the commonwealth without reference to the policy or practice of other governments.

In all countries, in modern times, the revenues gathered into the national treasury are obtained mainly from the receipts accruing from a customs tariff. The grandeur of the Utopian theory of universal free trade has never yet been realized, and all modern policies go to show that in national practice the world is receding from this promised realization of the Cobden club and the free-trade fraternity generally.

In the United States, from the foundation of the Government down to this centennial year, the policy of our statesmen has been, under the approval and support of a large majority of the people, in favor of a tariff not only for revenue but also for protection to the diversified interests of the whole country. It is true this system has its opponents, and at certain periods in our history they have for a time controlled and shaped tariff legislation in accordance with their own views, but in every case, as experience proved, with injurious and in many instances with disastrous results.

The protective policy is no visionary theory. That experienced statesman M. Thiers, in one of his best speeches before the Corps Législatif in 1870, on the advantages of protection to native industries, said: "Those who speak of universal, unrestricted competition, do not comprehend it. Do you know what true competition is? It is that no nation should ever suffer itself to make any surrender of its native industries. It is that no one should say that it will no longer manufacture cotton, because it cannot produce as cheaply as another; that it will no longer fabricate cloths, because it cannot fabricate at so good an account as its neighbor; that it will not raise grain, under the pretext that grain is produced more dearly than in other countries. The nation that should reason thus would exhibit the reasoning of an idiot. Do you know what is the true competition of nation with nation, the universal competition? It is a noble ambition on the part of each people; the noble emulation of producing everything, and even that which it produces with less advantage than other people. This competition has, as its result, the reduction of prices to the lowest attainable standard throughout the entire world."

So also Sir Charles Wentworth Dilke, the English statesman, in his "Greater Britain," says: "Those who speak of the selfishness of the protectionists, as a whole, can never have taken the trouble to examine into the arguments by which protection is supported in Australia and America. In these countries protection is no mere national delusion; it is a system deliberately adopted, with open eyes, as one conducive to the country's welfare." And again: "If every State consults the good of its own citizens, we shall, by the action of all nations, obtain the desired happiness of the whole world, and this with rapidity."

Under the administration of the republican party the necessities of the Government, growing out of the expenses of the war, compelled Congress to largely increase the rates of duty on imported goods. In framing the customs tariffs from year to year the double purpose was always kept in view of so arranging the scale of duties as to afford, first, a sufficient revenue to meet the demands upon the Treasury; and, secondly, to extend protection to such of our existing industries as were most affected by excessive importations of similar goods from European and other countries, as well as to call into existence other industries not then attempted.

It is not too much to say, after a practical test of fourteen years, that this policy of guarding and fostering our own home industries has more than realized all that was expected from it; and that, with the evidences of this before them in the vast increase of manufac-

tories all over the country, in the rapid development of the agricultural interests and means of transportation, together with the general increase of wealth and rapid advances made in material progress, the people are now more strongly impressed with the wisdom and importance of the protective policy than ever before since the organization of the Government.

THE MORRISON TARIFF.

The so-called Morrison tariff, manufactured in New York City by order of the Free-Trade League, under the inspiration of the American members of the English Cobden club, strikes directly at the policy of protection, and aims a death-blow at many of our important industries, while none of them are allowed to escape its crippling influences.

In order to present these effects more clearly to this House and the country, I have had prepared, from official sources, a series of statistical tables, showing in detail the amount of duties collected during the last fiscal year under the operation of the present tariff. In connection with this I will present the estimated amount of revenue that will be realized during a similar period—the bulk of the importation being the same—under the working of the Morrison tariff, together with the increase and decrease of duty on specified articles and the net decrease in the aggregate of the year's receipts. These tables were compiled under the supervision of Dr. Edward Young, chief of the United States Statistical Bureau, from official records and careful estimates, and can be accepted as substantially correct:

Statement of amount of duty collected during the fiscal year ended June 30, 1875, on commodities enumerated in House bill No. 1711, and of estimated duties, on amounts entered in 1875, under the proposed rates of duty in said bill.

Commodities.	Foreign merchandise entered into consumption during the fiscal year 1875.				Proposed rate of duty in bill 1711.	Estimated duties on amounts entered in 1875.	Decrease of duty.	Increase of duty.
	Quantity.	Value.	Rate of duty.	Duty received.				
Cotton, manufactures of:								
On all manufactures of cottons (except jeans, denims, drillings, &c.) not bleached, color'd, painted, or printed, and not exceeding 100 threads to the square inch, counting warps and filling, and exceeding in weight 5 ounces per square yard, unbleached.sq. yd..	89,848.00	$10,755 00	5 c. p. s. yd	$4,164 29	2½c. per sq. yd...	$2,246 20	$1,918 09	
Bleached sq. yd..	20,965,020 50	2,643,103 14	5½ c. p. s. yd	1,069,731 27	3½c. per sq. yd...	733,775 72	335,955 55	
Colored, stained, painted, or printed..sq. yd..	411,750.00	32,105 33	5½ c. p. s. yd. & 10%	23,440 26	4c. per sq. yd....	16,470 00	6,970 24	
Finer and lighter goods of like description, not exceeding 200 threads to the square inch, counting the warp and filling, unbleached sq. yd..			5 c. p. s. yd		4c. per sq. yd...			
Bleached sq. yd..			5½ c. p. s. yd		4½c. per sq. yd...			
Colored, stained, &c sq. yd..	14,265,247.00	2,111,871 95	5½ c. p. s. yd. & 20%	1,110,035 50	5c. per sq. yd....	713,262 35	396,773 15	
Cotton jeans, denims, drillings, bed-tickings, ginghams, plaids, cottonades, pantaloon stuff, &c., and not exceeding 100 threads in the square inch, counting warps and filling, and exceeding 5 ounces to the square yard, unbleached sq. yd..	2,258.00	472 33	6 c. p. s. yd	122 65	4c. per sq. yd....	90 32	32 33	
Bleached sq. yd..	138.00	17 00	6½ c. p. s. yd	8 14	4½c. per sq. yd...	6 21	1 93	
Colored, stained, &c sq. yd..	26,325.00	3,765 67	6½ c. p. s. yd. & 10%	1,953 93	5c. per sq. yd....	1,316 25	637 68	
Finer and lighter goods of like description, not exceeding 200 threads to square inch, counting warp and filling, unbl'd .sq. yd..			6 c. p. s. yd		4c. per sq. yd...			
Bleached sq. yd..			6½ c. p. s. yd		4½c. per sq. yd...	93,679 17	53,636 04	
Colored, stained, &c sq. yd..	1,873,581.50	249,220 00	6½ c. p. s. yd. & 15%	147,315 11	5c. per sq. yd....			
Goods of lighter description, exceeding 200 threads to the square inch, counting the warp and filling, unbleached sq. yd..			7 c. p. s. yd		4½c. per sq. yd...			
Bleached sq. yd..	11,815.00	1,661 00	7½ c. p. s. yd	876 47	5½c. per sq. yd...	590 75	285 72	
Colored, stained, &c sq. yd..			7½ c. p. s. yd. & 18%		7½c. per sq. yd...			
Plain woven cotton goods, not otherwise specified:								
Unbleached, valued over 16 cents per square yard sq. yd..		27,619 00	35%	9,543 71	25%			
Bleached, valued over 20 c. pr. sq. yd sq. yd..		144,707 00	35%	49,153 71	25%			
Colored, valued over 25 c. pr. sq. yd..sq. yd..		989,283 00	35%	319,298 66	25%			
Cotton jeans, denims, and drillings, unbleached, valued over 20 cents per square yard sq. yd..		2,182 00	35%	763 70	25%	290,947 75	87,812 03	
All other cotton goods sq. yd..			35%		25%			
Cotton thread, yarn, warps, or warp yarn not wound upon spools, whether single or advanced beyond the condition of single by twisting two or more single yarns together, whether on beams, or in bundles, skeins, or cops, or in any other form:								
Valued not over 40 cents per pound .....lbs..	14,964.00	5,718 00	10 c. p. lb and 20%	2,503 00	10c. per lb.....	1,496 40	1,006 60	
Valued over 40 cents per pound, and not over 60 cents per pound .....lbs..	314,447.25	164,737 00	20 c. p. lb. and 20%	89,777 86	20c. per lb.....	62,889 45	26,888 41	
Valued over 60 cents per pound, and not over 80 cents per pound .....lbs..	502,450.50	368,765 00	30 c. p. lb. and 20%	205,965 15	30c. per lb.....	150,735 15	55,230 00	
Valued over 80 cents per pound .....lbs..	1,495,768.50	1,969,421 00	40 c. p. lb. and 20%	928,874 92	40c. per lb.....	598,307 40	330,567 52	
On spool-thread of cotton, containing on each spool not exceeding 100 yds. of thread doz..	424,748.50	65,919 00	6 c. p. doz. and 30%	45,452 01	6c. per dozen....	25,484 91	19,967 10	
Exceeding 100 yards for every additional 100 yards of thread on each spool or fractional part thereof .....doz..	458,667.50	72,013 00	6 c. p. doz. and 35%	48,036 20	6c. per dozen....	27,520 05	20,516 15	
Cords, gimps, galloon, and cotton laces, col'd..		2,842,732 01	35%	926,519 88	30%			
Shirts and drawers, woven or made on frames..		9,917 00	35%	3,304 27	30%			
Hosiery.....		4,998,936 95	35%	1,631,454 86	30%			
Velvet.....		1,084,731 12	35%	344,888 64	30%	4,600,232 29	387,551 61	
Braids, inserting, laces, trimmings, and bobbinet.....			35%		30%			
Other manufactures of, not otherwise specif'd.		6,397,791 53	35%, 40%, &c	2,081,616 25	30%			
Iron and steel, manufactures of:								
Pig-iron .....tons..	61,748.12	1,811,151 34	$7 per ton.....	*402,593 57	$5 per ton.....	308,743 00	93,850 57	
Bar-iron, rolled or hammered:								
Flats not less than 1 inch nor more than 6 inches wide.....								
Flats not less than ⅜ inch nor more than 2 inches thick.....lbs..	4,437,537.00	141,101 99	1 c. p. lb.....	*40,093 87	⅛c. per pound...	22,187 68	17,906 19	
Round, not less than ¾ nor more than 2 inches in diameter								
Square, not less than ¾ nor more than 2 inches square								
Flats less than ⅜ inch nor more than 2 inches thick, or flats less than 1 inch nor more than 6 inches wide.....	963,044.00	31,592 15	1½ c. p. lb.....	*13,050 85	¾c. per pound...	7,222 83	5,828 02	
Rounds ¾ inch nor more than 2 inches in diameter								
Squares ¾ inch nor more than 2 inches square								

*Less 10 per cent. during eight months and three days.

Statement of amount of duty collected during the fiscal year ended June 30, 1875, &c.—Continued.

Commodities.	Foreign merchandise entered into consumption during the fiscal year 1875.				Proposed rate of duty in bill 1711.	Estimated duties on amounts entered in 1875.	Decrease of duty.	Increase of duty.
	Quantity.	Value.	Rate of duty.	Duty received.				
Iron and steel—Continued.								
Moisic iron made from sand ore by one process ..... tons	100.05	$6,168 00	$15 per ton	*$1,503 87	$10 per ton	$1,002 50	$501 37	
Iron bars for railroads or inclined planes lbs	20,214,739.00	430,987 74	70 c. p. 100 lbs	*127,684 72	$10 per ton	90,244 50	37,440 22	
Boiler and other plate iron not less than three-sixteenths inch in thickness ..... lbs	127,879.00	9,190 00	1½ c. per lb	1,824 32	1¼ c. per lb	1,598 49	225 83	
Boiler and other plate-iron not otherwise specified ..... tons	.....	.....	$25 per ton	.....	$20 per ton	.....	.....	.....
Iron wire, bright, coppered, or trimmed, drawn and finished, not more than one-quarter inch in diameter, nor less than No. 16 wire-gauge ..... lbs	1,840,190.00	*96,590 00	2 c. per lb. and 15 %	47,060 37	1⅞ c. per lb	32,203 32	14,857 05	
Over No. 16 and not over No. 25 ..... lbs	211,961.00	*17,653 00	3½ c. per lb. and 15 %	9,630 31	3 c. per lb	6,358 83	3,271 68	
Over or finer than No. 25 ..... lbs	2,865.50	*409 00	4 c. per lb. and 15 %	172 29	4 c. per lb	114 62	57 67	
Iron wire bright, &c., covered with cotton, silk, or other materials, not more than one-quarter inch in diameter, nor less than No. 16 wire-gauge ..... lbs	82.00	*35 00	7 c. per lb. and 15 %	9 89	6¾ c. per lb	5 54	4 35	
Over No. 16 and not over No. 25 ..... lbs	706.00	*421 00	8½ c. per lb. and 15 %	112 51	8 c. per lb	56 48	56 03	
Over or finer than No. 25 ..... lbs	748.25	*573 00	9 c. per lb. and 15 %	143 53	9 c. per lb	67 43	76 10	
Round iron, in coils, three-sixteenths inch or less in diameter, whether coated with metal or not, and all descriptions of iron wire not over No. 16 wire-gauge ..... lbs	1,367,689.00	*86,016 00	2 c. per lb. and 15 %	36,526 56	1⅞ c. per lb	23,934 55	12,592 01	
Over No. 16 & not over No. 25 wire-gauge .. lbs	266,730.00	*26,011 00	3½ c. p. lb. and 15 %	12,148 64	3 c. per lb	8,001 90	4,146 74	
Over or finer than No. 25 ..... lbs	1,663.00	*644 00	4 c. per lb. and 15 %	149 25	4 c. per lb	66 32	82 73	
Wire, spiral furniture-springs of iron wire ..	7,681.00	*789 00	2 c. per lb. and 15 %	244 78	3 c. per lb	134 41	110 37	
Sheet-iron, smooth or polished ..... lbs	4,665,827.00	*446,008 00	3 c. per lb	124,983 88	2 c. per lb	93,116 54	32,667 34	
Sheet-iron, common and block, not thinner than 20 inch wire-gauge ..... lbs	1,803,518.00	*74,183 00	1¼ c. per lb	20,594 15	1 c. per lb	18,035 18	2,558 97	
Thinner than No. 25 wire-gauge ..... lbs	126,694.00	5,446 04	1¾ c. per lb	1,995 62	1¼ c. per lb	1,583 69	411 93	
Thinner than No. 20 wire-gauge and not thinner than No. 25 ..... lbs	765,190.00	*35,801 75	1½ c. per lb	10,432 63	1 c. per lb	7,651 90	2,780 73	
Band, hoop, and scroll iron, one-half to six inches in width, not thinner than one-eighth inch ..... lbs	6,561,339.00	*247,229 51	1¼ c. per lb	74,362 60	¾ c. per lb	49,210 04	25,152 56	
One-half to six inches in width, under one-eighth inch thick, not thinner than No. 20 wire-gauge ..... lbs	1,745,110.00	*56,815 21	1½ c. per lb	23,590 32	1 c. per lb	17,451 10	6,139 23	
Thinner than No. 20 wire-gauge ..... lbs	284,087.00	*11,801 00	1¾ c. per lb	4,484 84	1¼ c. per lb	3,551 09	933 75	
Slit rods ..... lbs	.....	.....	1½ c. per lb	.....	1¼ c. per lb	.....	.....	.....
Iron, rolled and hammered, not otherwise specified ..... lbs	7,362,305.00	*250,282 00	1¼ c. per lb	84,667 45	¾ c. per lb	55,217 28	29,450 17	
Handsaws, not over 25 inches in length .. doz	113.75	*781 00	75 c. and 30 %	296 05	$2 per dozen	227 50	68 55	
Handsaws over 25 inches in length ... doz	167.92	*1,695 00	$1 and 30 %	618 43	$2.50 per dozen	419 80	198 63	
Backsaws not over 10 inches in length .. doz	15.00	*109 00	75 c. and 30 %	41 97	$2 per dozen	30 00	11 97	
Backsaws over 10 inches in length ..... doz	35.67	*343 00	$1 and 30 %	124 71	$2.50 per dozen	89 17	35 71	
Files, file-blanks, rasps, and floats, not over 10 inches in length ..... doz	325,529.25	*225,440 63	10 c. and 30 %	92,685 78	20 c. per lb	65,105 85	27,579 93	
Over 10 inches in length ..... doz	589,957.00	150,789 83	6 c. and 30 %	74,692 68	9 c. per lb	53,096 13	21,596 55	
Needles for knitting or sewing mach's .. n. l	1,737.40	17,524 60	$1 per m. and 35 %	7,211 01	$2 per M	3,474 80	3,736 21	
Iron squares, marked on one side ..... lbs	.....	.....	3 c. per lb. and 30 %	.....	3 c. per lb	.....	.....	.....
All other of iron and steel ..... lbs	392.00	52 00	6 c. per lb. and 30 %	41 65	3 c. per lb	11 76	29 89	
All manufactures of steel not otherwise specified	.....	*1,013,985 04	45 per cent	424,592 56	30 %	304,195 71	120,396 85	
Steel railroad-bars ..... tons	43,683.00	*3,183,156 00	1¼ c. per lb	1,116,258 17	$15 per ton, (2,240)	655,245 00	461,013 17	
Chains, trace, halter, and fence, made of wire or rods, not less than one-quarter inch in diameter ..... lbs	4,794,718.00	*269,321 61	2½ c. per lb	109,087 81	2 c. per lb	95,894 36	13,193 45	
Less than one-quarter and not under No. 9 wire-gauge ..... lbs	774,187.00	*59,187 09	3 c. per lb	21,218 34	2½ c. per lb	19,354 67	1,863 69	
Under No. 9 wire-gauge ..... lbs	57,178.00	*7,745 10	35 per cent	2,454 64	30 %	2,323 50	131 14	
Anchors and parts of ..... lbs	95,468.00	*4,897 50	2½ c. per lb	1,952 24	1½ c. per lb	1,432 02	502 22	
Blacksmiths' hammers and sledges ..... lbs	74,387.50	*6,891 00	2½ c. per lb	1,681 61	2 c. per lb	1,437 75	193 26	
Wrought-iron railroad-chairs, axles, and washers ..... lbs	365,812.00	*16,235 90	2 c. per lb	6,768 14	1 c. per lb	3,658 12	3,107 02	
Bed-screws and hinges, wrought board-nails, spikes, rivets, and bolts ..... lbs	287,100.00	*14,626 06	2½ c. per lb	6,547 63	1½ c. per lb	4,306 50	2,241 13	
Wrought steam, gas, and water tubes and flues ..... lbs	401,181.00	*39,064 20	3½ c. per lb	13,054 98	2½ c. per lb	10,004 52	3,050 46	
Wood-screws 2 inches and over in length .. lbs	116,999.00	*17,061 00	3 c. per lb	8,652 02	5 c. per lb	5,849 95	2,802 09	
Wood-screws less than 2 inches ..... lbs	919,203.00	*182,677 00	11 c. per lb	93,604 85	7 c. per lb	64,344 21	29,260 64	
Cast-iron steam, gas, and water pipes .... lbs	371,847.00	*10,341 33	1½ c. per lb	5,025 22	2 c. per lb	2,788 85	2,236 34	
Hollow-ware, glazed or tinned ..... lbs	33,529.33	*2,583 00	3½ c. per lb	1,056 20	2½ c. per lb	838 23	217 97	
Cast scrap-iron ..... cwt	34,455.60	*29,303 65	$6 per ton	9,467 57	$4 per ton	6,891 12	2,576 45	
Wrought scrap-iron ..... cwt	701,728.14	*958,421 64	$8 per ton	255,875 42	$6 per ton	210,518 40	45,357 02	
Ingots, bars, coils, sheets, and steel ware, not less than one-quarter inch diameter, valued 7 cents or less per pound ..... lbs	14,231,987.00	*718,120 00	2¼ c. per lb	298,654 68	1½ c. per lb	213,479 80	85,174 88	
Valued over 7 cents and not over 11 cents per pound ..... lbs	7,636,041.00	*719,300 00	3 c. per lb	212,260 12	2½ c. per lb	190,901 02	21,359 10	
Valued over 11 cents per pound ..... lbs	5,908,579.00	*720,346 50	3 c. per lb. and 10 %	257,224 04	3½ c. per lb	206,800 28	50,423 79	
Steel wire, less than one-quarter inch in diameter and not less than No. 16 wire-gauge ..... lbs	181,164.50	*35,206 00	2½ c. per lb. and 20 %	10,765 47	4 c. per lb	7,246 58	3,518 89	
Less than No. 16 wire-gauge ..... lbs	140,059.00	*51,741 00	3 c. per lb. and 20 %	13,505 14	7 c. per lb	9,804 13	3,701 00	
Wire for crinoline, corset, and hat ..... lbs	1,020.50	*378 00	9c. per lb. and 20 %	122 03	6 c. per lb	61 23	60 81	
Lead:								
Sheets and pipes ..... lbs	22,163.00	*2,321 95	2½ c. per lb	587 48	2 c. per lb	443 26	144 22	
Shot ..... lbs	58.00	*4 00	2¾ c. per lb	1 59	1¾ c. per lb	1 01	58	
Pigs and bars ..... lbs	32,770,712.50	*1,559,017 00	2 c. per lb	601,257 48	1 c. per lb	327,707 12	273,050 36	
Pigs and bars fit only to be manufact'd .. lbs	382,150.00	*13,964 00	1½ c. per lb	5,322 41	2 c. per lb	7,643 00	.....	$2,320 50
Copper:								
Plates, bars, ingots, pigs ..... lbs	58,475.00	*10,741 00	5 c. per lb	2,631 38	2 c. per lb	1,169 50	1,461 88	
Braziers', copper-sheets, rods, pipes, and copper buttons, and all manufactures of not otherwise specified	.....	*617 00	45 per cent	251 02	30 %	185 10	65 92	
Silk, and manufactures of:								
Spun silk for filling, in skeins or cops .... lbs	5,735.00	15,796 00	35 %	5,528 60	25 %	3,940 00	1,579 60	
Silk in the gum, not more advanced than single, &c	.....	11,299 00	35 %	3,954 65	25 %	2,824 75	1,129 90	

*Less 10 per cent. during eight months and three days.

Statement of amount of duty collected during the fiscal year ended June 30, 1875, &c.—Continued.

Commodities.	Foreign merchandise entered into consumption during the fiscal year 1875.				Proposed rate of duty in bill 1711.	Estimated duties on amounts entered in 1875.	Decrease of duty.	Increase of duty.
	Quantity.	Value.	Rate of duty.	Duty received.				
Silk—Continued.								
Floss silk		$1,941 00	35 %	$679 35	25 %	$485 25	$194 10	
Sewing-silk in the gum or purified ... lbs.	4,265.13	17,465 00	40 %	6,987 00	30 %	5,239 50	1,747 50	
Buttons and ornaments for dresses, &c		202,941 00	50 & 60 %	107,588 40	40 %	81,176 40	26,412 00	
Lastings, mohair cloth, silk twist, &c., made soas to fit for buttons exclusively					10 %			
All other goods, wares, &c., of silk		4,642 00	40 %	1,856 80	40 %	1,856 80		
Dress and piece silks, ribbons and velvet		14,476,756 59	60 %	8,685,113 96	40 %	5,790,702 64	2,894,411 32	
Vestings, shawls, hosiery, ready-made clothes, &c		3,309,969 74	60 %	1,984,081 84	40 %	1,323,987 90	660,093 94	
All other manufactures	745,484.80	6,475,507 27	50, 50 less 10 & 60 %	3,239,318 56	40 %	2,590,202 91	649,105 68	
Tobacco: Cigars, cigarettes, &c ... lbs.	7,539,598.00	2,805,450 84	$2.50 per lb. & 25 %	2,565,074 69	$3.50 per lb	2,609,196 80		$44,122 11
Leaf, unmanufactured and not stemmed ... lbs.		4,201,654 17	35 cents per lb	2,638,859 31	40 c. per lb	3,015,839 20		376,979 89
Wool:								
First class, value 32 cts. or less per lb ... lbs.	11,455,304.00	2,932,819 04	10 cts. per lb. & 11 %*	1,341,277 28	3 c. per lb	687,318 24	653,959 04	
Value over 32 cts. per lb ... lbs.	1,647,829.00	652,293 07	12 cts. per lb. & 10 %*	257,726 93	10 c. per lb	164,782 90	72,944 03	
Second class, value 32 cts. or less per lb ... lbs.	5,480,528.00	1,239,122 00	10 cts. per lb. & 11 %*	618,254 09	5 c. per lb	274,026 40	344,227 69	
Value over 32 cts. per lb ... lbs.	2,388,629.00	914,139 00	12 cts. per lb. & 10 %*	333,764 90	10 c. per lb	238,862 90	94,902 00	
Third class, value 12 cts. or less per lb ... lbs.	21,813,748.00	2,699,011 70	3 cents per lb *	602,790 66	3 c. per lb	654,412 44		51,621 78
Value over 12 cts. per lb ... lbs.	8,985,710.00	1,773,814 00	6 cents per lb *	493,930 30	3 c. per lb	269,571 30	224,359 00	
First class, washed:								
Value 32 cts. or less per lb ... lbs	14,231.00	7,163 00	20 cts. per lb. & 22 %*	3,999 72	6 c. p. lb. and 50%			
Value over 32 cts. per lb ... lbs.	315.00	259 00	24c p lb & 20 % less 10*	114 66	10 c. p. lb. and 50%			
First class, scoured:								
Value 32 cts. or less per lb ... lbs.	No transactions.				80 c. per lb			
Value over 32 cts. per lb ... lbs.					30 c. per lb			
Second class, scoured:								
Value 32 cts. or less per lb ... lbs.					15 c. per lb			
Value over 32 cts. per lb ... lbs.					30 c. per lb			
Third class, scoured:								
Value 32 cts. or less per lb ... lbs.					9 c. per lb			
Value over 32 cts. per lb ... lbs.					9 c. per lb			
Cloth, shawls, and other manufactures of, lbs.	9,731,146.41	15,297,499 74	50 c. p. lb. 30, 35 & 40*	9,297,499 74	70 c. per lb	6,811,802 49	2,485,697 25	
Flannels, blankets, hats, knit goods, &c.:								
Value not over 40 cts. per lb ... lbs.	756.25	330 30	20 cts. pr lb. & 35 %*	236 96	20 c. p. lb	151 25	85 71	
Value over 40 cts. and not over 60 cts. per lb ... lbs.	44,416.00	24,869 96	30 cts. pr lb. & 35 %*	20,608 61	30 c. p. lb	13,324 80	7,283 81	
Value over 60 cts. and not over 80 cts. per lb ... lbs.	62,024.75	54,382 06	40 cts. pr lb. & 35 %*	45,160 39	40 c. per lb	24,809 90	20,350 49	
Value over 80 cts. per lb ... lbs.	1,663,622.67	2,487,810 55	50 cts. pr lb. & 35 %*	1,560,286 96	50 c. per lb	831,811 33	728,475 63	
Endless belts or felts for paper or printing machines ... lbs.	126,410.00	126,394 00	20 cts. pr lb. & 35 %*	63,883 50	30 c. per lb	37,923 00	25,960 50	
Bunting ... sq. yd.	6,698.50	1,862 00	20 cts. pr lb. & 35 %*	1,866 71	15 c. per sq. yd	1,004 78	861 93	
Women's and children's dress goods, and real or imitation Italian cloth, not over 20 cts. per square yard ... sq. yds.	24,109,815.00	4,323,997 46	6 c. p sq. yd. & 35 %*	2,738,777 43	9 c. per sq. yd	1,169,883 35	568,894 08	
Valued over 20 cts. per square yard ... sq. yds	49,326,185.43	15,830,343 12	8 c. p sq. yd. & 35 %*	9,414,298 01	15 c. per sq. yd	7,398,927 81	2,015,370 20	
All goods weighing 4 ounces and over, square yard ... lbs.	1,234,825.17	2,175,677 14	50 cts. pr lb. & 35 %*	1,263,044 07	80 c. per lb	987,860 13	275,183 94	
Clothing, ready-made, and wholly or in part of wool	109,548.18	808,998 67	50 cts. pr lb. & 40 %*	392,335 24	32 per lb	219,096 36	173,238 88	
Webbings, weltings, braid, gimps, &c ... lbs	540,445.58	1,687,612 97	50 cts. pr. lb & 50 %*	1,044,054 16	60 %	843,806 48	200,247 68	
Saxony, Wilton, and Tournay velvet carpets wrought by Jacquard machinery ... sq. yds	65,372.50	140,734 00	70 c. p sq. yd. & 35 %*	86,255 02	90 c. per sq. yd	58,835 25	27,419 77	
Brussels ... sq. yds.	410,761.00	596,015 51	44 c. p sq. yd. & 35 %*	354,616 28	65 c. per sq. yd	266,994 65	87,621 70	
Patent velvet and tapestry velvet ... sq. yds.	223,345.00	350,072 00	40 c. p sq. yd. & 35 %*	195,715 32	65 c. per sq. yd	145,174 25	50,541 08	
Tapestry Brussels ... sq. yds.	1,454,710.50	1,282,773 12	28 c. p sq. yd. & 35 %*	775,739 30	40 c. per sq yd	581,884 20	193,855 10	
Treble-ingrain, three-ply, and worsted chain	169.00	137 74	17 c. p sq. yd. & 35 %*	69 25	45 c. per sq. yd	59 15	10 10	
Yarn, Venetian, and two-ply ingrain ... sq. yds.	6,169.00	4,137 74	25 c. p sq. yd. & 35 %*	1,769 25	30 c. per sq. yd	1,850 70		81 45
Druggets and bockings, printed and colored ... sq. yds.	19,035.00	9,787 00		7,405 09	20 c. per sq. yd	3,807 00	3,598 09	
Fruit:								
Candied citron, orange, and lemon peels ... lbs.					8 c. per lb			
Oranges in cases not over 40 x 17 x 14 inches					55 c. per case			
Oranges in cases not over 28 x 14 x 18 inches					18 c. per case			
Lemons in cases not over 28 x 14 x 12 inches		4,233,325 24	20 %	846,664 99	35 c. per case			
On all oranges and lemons not otherwise specified					20 %			
Gloves of kid ... doz.					$4 per doz			
Gloves of lamb-skin or leather ... doz.		3,555,003 32	50 %	1,777,501 66	$2 per doz			
Gunpowder and all explosive substances ... lbs.	25,452.50	13,788 50	6, 10, & 30 c. p lb. & 20	5,312 95	6 c. per lb	1,527 15	3,785 80	
Hair-pins made of wire		70,327 00	50 % less 10 %	32,516 40	35 %	24,614 45	7,901 95	
Marble:								
White, statuary, brocatella, &c ... foot.	718.25	1,623 00	$1 p cub. ft. & 25 %	1,124 00	60 c. per c. ft	430 95	693 05	
Veined and other, in blocks or squares ... foot.	497,621.34	527,628 00	50 c. pr c. ft. & 25%	354,336 26	30 c. per ft	149,286 40	205,049 86	
Sawed, dressed, &c ... sq. ft	5,760.00	1,979 50	25 c. to 45 c. p sq. ft. & 30 %	2,173 05	10 c. per sq ft	576 00	1,597 05	
Pencils, of wood ... gross.	59,869.58	104,850 02	50 c. p gross & 30 %	61,389 83	70 c. per gross	41,908 71	19,481 12	
Pens, metallic ... gross.	281,067.38	101,142 43	10 c. p gross & 25 %*	49,576 06	12 c. per gross	33,728 08	15,847 98	
Soap, fancy, perfumed, honey, &c ... lbs.	248,181.50	79,154 39	10 c. p. lb. and 25 %	44,606 76	12 c. per lb	29,781 78	14,824 98	
All other ... lbs.	38,891.81	217,878 64	35 %, 1 c. p. lb., 30 %	103,239 04	2 c. per lb	77,783 62	25,455 42	
Varnish, valued $1.50 per gall ... galls.	3,264.50	3,179 00	50 c. p. gal. and 20 %	2,268 05	$1 per gal	3,264 50		996 45
Oil, linseed and flaxseed, 7½ lbs., 1 gall ... galls.	38,525.30	21,070 14	30 %	11,557 59	20 c. per gal	7,705 06	3,852 53	
Coffee ... lbs.	317,016,309.50	50,448,851 76	Free of duty		3 c. per lb	9,510,489 29		9,510,489 29
Tea ... lbs.	647,080.79	22,644,840 78	Do		15 c. per lb	9,706,211 85		9,706,211 85
Tin in bars, blocks, and pigs ... cwt.	102,904.00	2,329,487 96			3 c. per lb	345,757 44		345,757 44
Asphaltum ... lbs.	2,351,855.00	26,006 40	25 %	6,501 60	Free of duty		6,501 60	
Bricks and tiles, bath, fire, building-brick, roofing, and other tiles		72,539 99	20 and 35 %	16,731 60	do		16,731 60	
Encaustic tiles		577 00	35 %	201 95	do		201 95	
Cement, Roman		261,741 10	20 %	52,348 22	do		52,348 32	
Chemicals, dyes, drugs, and medicine:								
Acids, acetic, specific gravity 1,047 or less ... lbs.	754.00	138 60	5 c. per lb	37 70	do		37 70	
Specific gravity over 1,047 ... lbs.	½	4 00	30 c. per lb	15	do		15	
Acids, not otherwise specified		230 00	10 %	23 00	do		23 00	
Benzoic ... lbs.	267,125.00	5,671 00	10 %	567 10	do		567 10	
Carbolic, for medical purposes ... lbs.	58,071.50	27,046 00	10 %	2,704 60	do		2,704 60	
Chromic ... lbs.	45.00	22 00	15 %	3 30	do		3 30	
Citric, white or yellow ... lbs.	308.90	30,438 00	10 c. per lb	3,089 00	do		3,089 00	
Gallic ... lbs.	11.00	39 00	$1 per lb	11 00	do		11 00	
Rosallic ... lbs.		6,077 00	20 %	1,215 40	do		1,215 40	
Tannic ... lbs.	117.00	89 00	$1 per lb	117 00	do		117 00	
Tartaric ... lbs.	403.00	156 00	15 c. per lb	60 45	do		60 45	

* Less 10 per cent. during eight months and three days.

Statement of amount of duty collected during the fiscal year ended June 30, 1875, &c.—Continued.

Commodities.	Foreign merchandise entered into consumption during the fiscal year 1875.				Proposed rate of duty in bill 1711.	Estimated duties on amounts entered in 1875.	Decrease of duty.	Increase of duty.
	Quantity.	Value.	Rate of duty.	Duty received.				
Alum, sulphate and alumnia.....lbs..	6,951,396.00	$112,576 00	16 c. per 100 lbs	$41,708 37	Free of duty.....		$41,708 37	
Ammonia, acetate of.....lbs..	4.00	11 00	25 c. per lb.....	1 00	.....do.....		1 00	
Carbonate of.....lbs..	680,345.00	93,812 00	20 %	18,762 40	.....do.....		18,762 40	
Muriate or sal-ammonia.....lbs..	658,724.00	58,324 00	10 %	5,832 40	.....do.....		5,832 40	
Sulphate of.....lbs..	24,695.00	1,402 00	20 %	288 40	.....do.....		288 40	
Aniline dyes, or colors, not otherwise specified.lbs..	189,996.25	597,874 00	50 c. p. lb. and 35 %	304,254 02	.....do.....		304,254 02	
Antimony, crude and regulus of .....lbs..	326,676.00	35,324 00	10 %	3,532 40	.....do.....		3,532 40	
Antimony, crude and regulus of .....lbs..	912,147.00	96,036 00	10 % less 10 %.....	8,643 24	..... do.....		8,643 24	
Baryta, sulphate of .....lbs..	2,117,854.00	17,995 00	½ c. per lb.....	10,589 29	.....do.....		10,589 29	
Borax, refined .....lbs..	5,153.00	1,224 15	10 c. per lb.....	515 30	.....do.....		515 30	
Chloroform .....lbs..	27.00	18 00	$1 per lb	27 00	.....do.....		27 00	
Cobalt and oxide of.....lbs..	678.00	2,604 00	20 %	520 80	.....do.....		520 80	
Collodion .....lbs..	52.00	52 00	$1 per lb	52 00	.....do.....		52 00	
Copper, acetate of.....lbs..	404.00	140 00	10 c. per lb.....	40 40	..... do.....		40 40	
Drugs and dyes, not otherwise specified ....lbs..	.....	67,116 00	20 %	43,613 21	.....do.....		13,436 12	
Indigo .....lbs..	446,227.00	59,778 00	10 %	5,977 80	.....do.....		5,977 80	
Logwood and other dye-wood extracts	.....	127,496 00	10 %	12,749 60	.....do.....		12,749 60	
Lead, acetate of brown, (sugar of lead).....lbs..	3,558.00	718 00	5 c. per lb.....	177 92	.....do.....		177 92	
Lead, acetate of white.....lbs..	58.00	15 00	10 c. per lb.....	5 80	.....do.....		5 80	
Lime, acetate of .....lbs..	2,232,401.00	73,926 00	25 %	18,481 50	.....do.....		18,481 50	
Magnesia, acetate of.....lbs..	4,346.00	2,599 10	50 and 12 c. p. lb ...	624 80	.....do.....		624 80	
Calcined.....lbs..	22,251.00	7,760 00	12 and 6 c. per lb ...	2,846 70	.....do.....		2,846 70	
Carbonate of.....lbs..	185,106.00	16,575 00	6 and 1 c. per lb ...	10,693 91	..... do.....		10,693 90	
Sulphate.....lbs..	21,593.00	364 00	1 c. per lb	215 93	.....do.....		215 93	
Potash, or potassa, bicarbonate, chlorate, chromate, nitrate, iodate, prussiate.....lbs..	12,528,184.50	821,566 00	½ c. to 75 c. per lb ..	180,796 11	.....do.....		180,796 11	
Quinine, salts of.....oz..	1,427.75	2,226 00	45 %	1,001 70	.....do.....		1,001 70	
Santonine .....lbs..	101.00	474 00	$3 per lb	303 00	.....do.....		303 00	
Soda, acetate, bicarbonate, caustic, silicate, stannate, sulphate, &c	.....	5,571,542 00	½ c. to 45 c. per lb ..	1,166,318 05	.....do.....		1,166,318 05	
Strychnine .....oz..	1.00	5 00	$1 per ounce	1 00	.....do.....		1 00	
Sulphur, flour of.....lbs..	39,929.00	891 00	$20 p. ton and 15 %.	490 14	.....do.....		490 14	
Sumac .....lbs..	16,542,548.00	533,713 00	10 %	53,371 30	.....do.....		53,371 30	
Zinc, sulphate of.....lbs..	19,696.00	471 00	20 %	94 20	..... do.....		94 20	
Coal, bituminous and shale .....tons..	436,714.00	1,791,601 16	75 c. per ton	327,535 50	.....do.....		327,535 50	
Culm and slack of.....tons..	5,646.00	8,257 25	40 c. per ton.....	2,258 26	.....do.....		2,258 26	
Coke.....tons..	931.00	9,648 00	25 %	2,412 00	.....do.....		2,412 00	
Emery, grains, ore, pulv. and pow'd .....lbs..	1,355,321.75	58,327 00	2 c. p. lb. to $6 p. ton	16,388 97	.....do.....		16,388 97	
Grease, all other.....	.....	15,783 00	20 %	3,156 60	.....do.....		3,156 60	
Grindstones, rough or unfinished .....tons..	7,656.17	90,172 25	$1.50 per ton	11,484 24	.....do.....		11,484 24	
Hair, curled for beds and mattresses.....	.....	58,882 00	30 %	17,664 60	.....do.....		17,664 60	
Hogs' hair .....lbs..	3,800.00	57 00	1 c. per lb.....	38 00	.....do.....		38 00	
Mineral and bituminous substance, n. o. sp.....	.....	154 67	20 %	30 93	.....do.....		30 93	
Paints, umber .....lbs..	513,811.00	5,596 00	50 c. per 100 lbs	2,569 06	.....do.....		2,569 06	
Vandyke brown, and other paints.....lbs..	38,468.00	3,505 00	20 %	661 00	.....do.....		661 00	
Parchment.....	.....	10,813 00	30 % and 30 % less 10	3,106 35	.....do.....		3,106 35	
Seeds, garden, &c., and bulbous roots.....	.....	366,127 25	20 and 30 %	83,291 61	.....do.....		83,291 61	
Starch, corn, potatoes, and rice .....lbs..	641,962.00	22,665 35	1 c. and 3 c. per lb. and 20 %	11,071 95	.....do.....		11,071 95	
Stone, rough, building, sand, and paving.....	.....	14,397 90	$1.50 p. ton and 10 %	24,720 62	.....do.....		24,720 62	
Tallow.....lbs..	49,537.00	4,414 50	1 c. per lb	495 37	.....do.....		495 37	
Tar, from the pine.....bbls..	425.50	2,501 35	20 %	500 27	.....do.....		500 27	
Trees, plants, shrubs, &c.....	.....	73,743 65	20 %	14,748 73	.....do.....		14,748 73	

An analysis of the proposed tariff, and its effects upon the revenues, on the basis of last year's importations, will now be given; and some of its bearings upon the nation's industries will be briefly indicated.

COTTON MANUFACTURES.

On plain unbleached cottons the duty is reduced from 5 cents to 2½ cents per square yard; on bleached cottons, from 5½ to 3½ cents per square yard; and on stained, painted, or printed cotton goods, from 5½ to 4 cents per square yard. On these three items there is an annual reduction of revenue amounting to $344,843.88. On other cotton manufactures the duties are reduced in about the same ratio, making another annual loss of revenue amounting to $1,384,906.29.

It is true the aggregate reduction of duty on cotton manufactures is less than $2,000,000, and this would be more than made up by the increase of importations under the lower rate of duties. But is it sagacious statesmanship to reduce the tariff one-half and double the importations of cotton goods? To bring our cottons from abroad and close up our own manufactories? The total importation of cotton fabrics in 1875 amounted in value to $24,197,443.91. During the first month of the present year England has sent to our markets 800,878,210 yards of cotton goods, and the people are complaining of hard times and no employment for our operatives because our own mills are either closed or running on half time.

The raw cotton is raised in the United States, sent abroad to be manufactured, and then returned to our markets, thus taking the work and wages from our own operatives, and the bread from their families, to afford employment to those of other countries, while their employers pocket the profits on the goods thus manufactured abroad for American consumption.

Our skilled labor and manufacturing machinery are equal to that of any other country, and our own factory operatives have a legitimate claim to the benefits derived from the manufacture of all cotton goods consumed by our own people, without being compelled to submit to half pay and poor fare as is the case in European countries.

Under the present tariff this industry has developed rapidly in the United States. Not only have the older manufacturing States largely increased their facilities and the variety of their cotton and mixed fabrics, but mills are being erected in the South and in other sections where they were before entirely unknown.

The main portion of all the cotton grown in the world is the product of our own country, and it is a reflection on the wisdom of our legislators and an injustice to our artisans and workmen and women to send the raw material abroad and buy it back manufactured into goods for home consumption. Rather should this be the great manufacturing center for cotton goods for the nations where the raw material cannot be produced.

However, under the present tariff, our manufacturing facilities have been more than doubled during the last fourteen years. Cotton goods are just beginning to be exported in considerable quantities to other countries, even to England; and they are pronounced to be superior in quality to those of the country just named. There is every indication that if this industry is not made to suffer by our injudicious tampering with the tariff, the aggregate annual exports, from this time forward, will continue to increase rapidly. During the last year unexpected success has attended this enterprise. Our manufacturers are competing successfully even in the English markets, by offering for sale there a better article than England's own product. The Fall River correspondent of the Boston Journal (a good authority) writes that—

The beneficial results accruing from the shipment of cotton goods to England are becoming every day more apparent, and the outlook is decidedly hopeful and encouraging. The success of Mr. George F. Hathaway's visit to England is shown in the great activity and busy bustle among the Fall River mills. About fifteen thousand pieces of print cloths, one-eighth of the entire production of the city, are now exported each week, and for these goods better net prices are received abroad than at home. It has been said that the Fall River manufacturers sought by this movement simply to "tide over" an unusually depressed period, and the inference has been drawn that with the return of a brisk home demand they would gladly throw the goods back again into the home channels. But the developments that have arisen from the endeavor have given to the project a degree of certainty and of permanence that the manufacturers themselves did not anticipate. They expected to sell mainly the twenty-six-inch goods, which are two inches narrower than the American make and to manufacture which would involve very little change in their machinery. They are now selling these goods and receiving as high a price as the twenty-eight-inch goods bring in this country, while the cost of making is much less.

The wider styles of print cloths so much in vogue in England, the thirty-two, thirty-four, and thirty-six inch goods, they did not expect to sell. But the English buyers offered such desirable prices for these goods that the manufacturers decided to make such changes in their machinery as would furnish a stated supply. But larger orders have been received and are yet coming forward, and several corporations are now placing their mills largely on this kind of cloth. Manufactur-

ers elsewhere, moreover, are consulting with spinners respecting the preparation of their mills for similar goods, and in neighboring States arrangements to make a like description of cloth for exportation have been or are being made. These things, therefore, indicate that the manufacturers feel assured that the movement has in it elements of permanence and of stability, and they are now taking means to form an association and to agree in any event to ship abroad a certain portion of their production. The superiority of these goods as compared with those of English manufacture is readily apparent. They are made of better cotton, are firmer and of much handsomer texture. The goods on the other side are so filled with sizing that when they come to be printed the shrinkage is enormous, averaging, is is said, fully one-fifth, while the shrinkage of the American cloths is comparatively trifling, averaging at the outside not over 5 per cent. In fact so high an opinion have the English manufacturers of the cottons made on this side that they not unfrequently place upon their foreign shipments the American trade-mark in order to dispose of them to better advantage.

Under the practical operation of the proposed reduction of the present tariff this condition of affairs would be immediately changed. England would flood our markets with her poorer goods produced by cheaper labor, and cripple the power that now provides for the home markets and sends a surplus abroad. The foreign demand for our staple products will, at best, be only a secondary consideration, and can never compensate for the loss of the greater demand at home, destroyed by a reduction of the tariff for the benefit of British importations, and the unlimited introduction of foreign manufactures.

IRON AND STEEL INDUSTRIES.

Following the Morrison bill in the order of its arrangement, the next attack is upon our iron and steel manufactories. The duties on the line of iron and steel and manufactures thereof are reduced by the proposed tariff, on a year's importations, to the extent of $1,192,758.40. The duty on rolled iron generally is reduced one-half, bar-iron of the ordinary sizes and forms being placed at one-half cent per pound. Pig-iron is reduced from $7 to $5 per ton, or about 30 per cent. This is $1 less per ton than it was in 1862, and $4 per ton less than in 1864 and on to 1869, under which our iron-works received an impetus they had never before obtained. The London Times of a late date says:

The high tariff so long maintained by the United States has at length brought her producing power nearly up to her requirements.

But the same paper also remarks that the reduction of the duty to $5 per ton will enable England to compete successfully in the American markets. This is the object of the framers of the new tariff, and if the bill should ever become a law they will succeed in the effort. Under the present tariff England sends more malleable and other iron, excepting pig, to the United States than she does to Germany, Belgium, France, Spain, and Austria combined. Their own official returns, copied from the London Times, show the following total exports from England for 1870, 1874, and 1875:

Exports of malleable and other iron, excepting pig.

Exports to—	1870.	1874.	1875.
United States	717,711	243,139	154,775
Germany	149,548	93,666	44,115
Belgium	9,517	23,979	492
France	16,088	15,277	14,032
Spain	27,628	45,724	22,374
Austria	.....	6,794	.....
	920,492	428,579	235,788
Other countries	1,140,574	1,272,771	1,275,490
Tons	2,061,066	1,701,350	1,511,278

In the proposed tariff iron and steel generally are reduced 30 to 35 per cent. of existing rates. In commenting upon the practical results of this reduction, Mr. D. H. Mason, an experienced writer on the subject, remarks in the Chicago Inter-Ocean, in response to the popular voice of the country, that—

It is scarcely necessary to say that such reductions would be absolutely ruinous in the present state of these industries. The magnificent establishments that have grown up within a few years in this city and in other localities in the West would be closed without a hope of re-opening. Possibly the older works of the East would hold out for a few months, but every business man knows that a reduction of the duties on iron and steel of 30 to 50 per cent. of existing rates would bring heavy importations immediately from England, Belgium, and Germany to stock the market at ruinously low prices, the great object being to silence our own production and compel a surrender of the whole field to foreigners hereafter. If, in effecting this result, temporary losses to the foreign producers became necessary, they would be cheerfully submitted to. After the control of the market was secured they could make such prices as they pleased and amply re-imburse themselves.

Yet, with these facts before us, the proposition is to throw open our markets and obtain our supplies of iron and steel manufactures from other countries, while iron-ore and coal are more abundant in the United States than in any other portion of the globe, and the capacity for manufacturing is fully equal to the present and prospective demand.

But labor is better paid here than elsewhere, and a reduction of the tariff would only open our markets to be supplied with the products of the cheaper labor of other countries. Is it not wiser to sustain our present tariff and give our own workmen the opportunity of manufacturing for the home market and for others wherever our goods are wanted? We have long depended upon England for the principal proportion of our iron and steel, hardware and cutlery; but under the effects of the present tariff the tables are turning, and our manufacturers are finding ready and profitable markets in that country. Referring to American competition with Sheffield, the newly elected president of the chamber of commerce of that city asserted in his recent inaugural address that it is not at all likely that Sheffield will ever again have anything like the trade with the United States she formerly enjoyed. Twenty years ago an American hardware-store contained chiefly Sheffield, Birmingham, and Wolverhampton goods, while a small space in the back part of the premises was devoted to American "notions." Now the state of affairs, says the president, is reversed. The Sheffield and Birmingham goods are put in a "corner," while the manufactures of America and Germany have extended so as to fill nearly the whole store. The newly elected president of the chamber of commerce of Sheffield went on to say that he had never seen, in all his experience, any article turned out of a well-established and reputable factory in the United States "that was not good of its kind." And articles such as files, table cutlery, &c., made only by hand in Sheffield, are produced by machinery in the United States.

That the trade of Sheffield has been seriously affected by the energy, enterprise, and skill of American manufacturers is an established fact, and is receiving additional corroboration every day. The testimony of the English periodicals on this subject should be received as conclusive. Referring to it, the Ironmonger says that "in the management of the Bessemer 'plant' the Americans must be yielded the palm; and this palm was yielded even by the English steel-masters themselves at their great Barrow meeting. The real truth is that the Americans have learned how to make steel rails as well if not better than Englishmen, and there is no good to be obtained by hiding the fact." This concession is from an English source. In remarking upon it, the Pittsburgh (Pennsylvania) Daily Dispatch of a late date says:

The cautious admission quoted above was drawn out, it appears, by a recent report on the metal trade made by the American consul at Sheffield. The manufacturers of steel there had for some time experienced a great falling off in the amount of sales they made to Americans; but they did not anticipate that they would lose the trade of this country altogether, as they are very likely to do within a short time. According to the published figures there has been a rapid decline within three years in the importation of English steel. In 1873 Sheffield sent steel goods to this country the value of which is estimated at considerably more than eight millions and a quarter of dollars. In the following year her exports to this country were something over six millions, and last year they only amounted to $3,456,160, being a reduction in three years of about $5,000,000. But what is more encouraging is the fact that for a period of eleven months "not a single ton of Sheffield rails has entered the country. For the last nine months of 1873 and 1874, respectively, the value of the rails imported hither was $1,311,890 and $1,136,610."

Supposing the Morrison tariff had been in operation, would the facts of the case be as they are here stated? It is true the stringency of the times may have had something to do in checking the importation of Sheffield steel; but a protective tariff was the main cause. It is this that has given us the control of our own markets, and is enabling us to compete successfully abroad; a thing unknown under the operation of the low tariff prior to 1862.

LEAD AND COPPER.

In the Morrison tariff the duty on lead and manufactured lead goods is reduced 30 and up to 50 per cent., except on one unimportant quality of pigs and bars; another direct blow at a valuable home industry.

On copper in plates, bars, ingots, and pigs the duties are reduced from 5 cents per pound to 2 cents, while copper ore is transferred over to the free list in the provision for the admission, duty free, of "mineral and bituminous substances in a crude state, not otherwise provided for."

Here a double blow is dealt at this new and important industry. The larger portion of the duty is removed from prepared copper, and copper ore is transferred to the free list. It is arranged that copper "not otherwise provided for" shall pay a duty of 30 per cent. *ad valorem*. This would make on ingots, cakes, pigs, and bars between 4 and 5 cents per pound duty. But the effect of this is very ingeniously got round by allowing "plate" copper to come in at 2 cents per pound. It is easy to see that plates can be made to such thickness as to be merely cakes rolled once, in which form copper, in large quantities, would reach our markets at a duty of only 2 cents per pound; and an easy and effectual way it would be to ruin the copper-producers of our own country and close up the mines.

But the severer blow is that aimed at our mining industries in the copper regions, by far the greater portion of which lie within the district which I have the honor to represent here. They, together with those other industries which represent the hundred iron mines, the numerous blast-furnaces and rolling-mills, are spread over the upper peninsula of Michigan, and give employment and homes to laborers representing a population of nearly eighty thousand souls.

There the mineral native copper is obtained either in masses or in a state of comparative purity, requiring simply a mechanical process to crush and separate it from the rock, when it is at once prepared for smelting into ingots of pure copper, or into cakes, pigs, or bars, to meet the demands of business and the practical arts.

In 1873, there were 14,910 tons of pure metallic copper, in various forms, manufactured and sent to market from this region, at a value of $8,200,500. In 1874, the yield was 17,327 tons, 4,500 tons of which were exported abroad, and the balance, 12,827 tons, were worked up at home in the prosecution of our own industries in the various sections

of the country. In 1875 the product was 17,500 tons, and the amount exported a trifle in excess of that of 1874.

It is proposed now in the Morrison tariff to admit copper ores free of duty. Nothing is clearer to the intelligent mind than that this will not only close nearly every copper mine in the country, but utterly preclude the idea of ever utilizing the rich ores of many of the western Territories.

Already the Chili copper mines in South America are supplying England with copper; and under the system of cheap peon labor there, Chilian copper ores can be landed in Baltimore and in other tide-water cities of the United States, and there smelted and placed on the market in direct competition with the product of the Lake Superior mines, at less cost than it could be delivered in those places or any other part of the Union; or the Chilian ores can be carried to Swansea, there smelted, and imported under the two-cent-per-pound provision of the bill.

It will throw some light on this question to show here what relation the Chilian mines already bear to the copper industries in some other portions of the world, especially England, and the relation they will bear to our own country, if copper ores should be transferred to the free list of imported goods. A recent number of the official paper, published in Houghton County, Michigan, and edited by J. R. Devereux, esq., furnishes the following reliable statement:

LAKE SUPERIOR COPPER REGION AND THE TARIFF—CHILI AND ENGLAND CONSIDERED.

The mineral statistics of the United Kingdom of Great Britain and Ireland for the year 1874 have just been received. The information generally is of interest to those concerned in mining, but we do not propose to dwell on anything but what directly reflects on copper mining.

The returns published include 119 copper mines, distributed as follows: In England 100, Wales 11, and in Ireland 8. The total quantity of copper ores produced in the year was 78,521 tons, worth to the sellers £336,415, and producing after being smelted 4,981 tons 11 cwt. of ingot copper. Comparisons with our own mines will not be out of order; and here we would remark that the copper ores obtained and smelted from all the mines in question equal just one-third of the quantity of rock stamped in the same year by the Calumet and Hecla mine. The yield of fine copper from the mines of the United Kingdom is equal to nearly half the amount produced by our leading mine in the same year. This shows the importance of this one mine in our midst, and gives an idea of the magnitude of the concern that we cannot obtain looking at it every day, without comparing it with the outside world.

The returns from the whole number of mines show a falling off from the preceding year (1873) of about 5 per cent., the fine copper produced being 269 tons less. This, however, does not apply to the two counties of Devon and Cornwall, which for the past year or two have maintained their position as producers. In 1872 Chili bars averaged £92 per ton, and that price encouraged the copper miner, especially as in the year before the same brand of metal sold as low as £64 per ton. The stimulus lent by the better price then admitted of a check in the downward career of the Cornish mines, which unless again applied will soon be evident.

For the ten years ending 1873 at Chili bars averaged £78 10*s*. The latest reports quote them at £81 10*s*., and the figures of last year, compared with the results of copper mining in 1865, in the two English counties, show how hopeless is the contest for a continued existence with copper at the average price of the ten years ending 1874, and how lamentably insignificant the business is become.

In 1874 Cornwall and Devon produced two-thirds of the copper mined in the United Kingdom, the number of mines working being ninety-two. These produced 53,281 tons of ore, valued at £251,978. The most important company, and this stands far ahead of any other, is the South Caradon, in Cornwall, which produced 5,502 tons of ore, netting £38,063, or more than one-seventh the money value of the total production from ninety-two mines. South Caradon yields ore of about 10 per cent., but the quantity of fine copper obtained is less than from any of our second-rate mines.

Subjoined are the figures referred to:

	Tons ore.
In 1865, Devon and Cornwall	159,409
In 1874, Devon and Cornwall	53,281

Showing that in 1874 the quantity of copper ore raised in the two counties was only one-third of the quantity produced in 1865. Can anything show clearer than this that the English copper mines cannot live with the prices that have ruled on an average the ten years in question?

A glance here at the returns of copper from Lake Superior for the same years cannot be amiss:

	Tons ingots.
In 1865 Lake Superior mines produced	7,000
In 1874 Lake Superior mines produced	17,327

England, it is easy to see, is out of the lists as a competitor with this region, or indeed with any important mining country, and free trade with her in the copper that she or any of her colonies can produce would have no influence on the price of copper in the United States; but a glance further shows us where competition comes home to us. England sells manufactured and raw copper, merely filling the position of metal broker to the world. When the demands of other countries passed beyond the production of her home and colonial mines, the trade sought and found a supply on the west coast of South America. This trade has been gradually developed, until, in 1874, Chili exported 48,253 tons of copper, or more than half the estimated consumption of the world. The abundance and richness of the ore there obtained, and the cheapness of "peon" labor, enables Chili to produce copper at figures that, as we have seen, has swamped the English mines and left no important mining country but ours as a competitor. It is not English mining that we seek protection against, nor the copper produced by white labor anywhere in the world; but taking down the protection afforded by the tariff leaves another field in the United States for the Chili production, which holds its own in spite of low prices, and when fully developed is capable for many years to come of putting a stop to all but the few isolated rich mines of the world.

We have no idea that the Lake Superior production would, in case the tariff on copper was removed, suffer in comparison with the English mines in the last ten years, because the bulk of the copper comes from one mine, that cannot be legislated out of existence; but we have no hesitation in saying that many of our mines would be abandoned, and a large proportion of our population be compelled to seek homes and employment elsewhere. Free trade in copper means, eventually, Chili the producer and England the agent to sell copper to the world, and instead of the United States being in a position to export several thousand tons of the metal, we should soon be again indebted to outsiders for a portion of our necessary supply.

A glance at the Lake Superior copper industry will show the disastrous results that must inevitably follow the introduction of copper ores free of duty. Up to the discovery and working of the Calumet and Hecla deposit, investments in the copper region had been for the most part a losing business. Out of all the numerous ventures by capital in that way, but two or three mines had succeeded in making any return for the expenditures; and in those instances of success the profits were not extravagant as against the risks incurred. This was the state of things more than twenty years after the opening of the work of the copper region. It was the condition of affairs when by the act of February 24, 1869, Congress, in view of the distressed condition of the copper interests, after a very animated and protracted controversy, passed over the Executive veto what was then known as the "copper-tariff" bill, which fixed the precise duties which the Morrison bill proposes either to reduce or abolish. That bill was passed because of the fact, which was then demonstrated, that our industries were being crippled and threatened with complete ruin by the competition of the ores which this bill proposes to put on the free list.

For the year 1868 the Lake Superior mines produced only 9,985 tons of pure copper, as against 17,327 tons for 1874 and 17,500 tons for 1875. At that time this industry was regarded with distrust, and must, unaided by favorable legislation, have sooner or later been abandoned; and, instead of adding, as it does now, millions of dollars annually to the wealth of the nation, and of enabling us to compete successfully for a price for our surplus in the markets of the world, both Government and people would be to-day at the mercy of the other copper-producing countries, where labor costs less than half that it does in the United States.

To-day there are but two mines to be relied upon for dividends outside of the Calumet and Hecla. These are the Quincy and Central, and they make but a small return. All of the remaining portion of the investments in copper mines—and the amount is millions of dollars—afford no returns but hope, which never dies, or certainly that would not remain to most of them to this time.

It is notoriously true that the business of mining is one of great risk, requiring the prospect of a large return to invite capital, which would otherwise prefer a venture giving a smaller but safer and surer return.

And now, with the duty on copper as it stands to-day, the two mines that were for many years the only successful ventures of the region, Cliff and Minnesota, having been abandoned, and only two, Central and Quincy, making small returns, save the Calumet and Hecla, the cost of production being at least seventeen cents per pound at the market for these two, it is evident that, if the duty on copper should be abrogated, or reduced even, the result on every interest outside of the Calumet and Hecla mine must be unmitigated ruin. It is not possible in such a case that any industry of this region, save the Calumet and Hecla, could work for any considerable time, and the Government would thus crush out of existence—for through this whole country the effect would be the same—every copper mine but the Calumet and Hecla, which would then be its only reliance for that mineral. And how soon that might fail the history of the Minnesota and the Cliff affords some evidence.

Could anything be more unwise than such a course for the Government to pursue, or more destructive for the mines? While the siren hope still leads them on the great mass of the mines, though making no return for the investment—only promising well for the future—still add their portion of material wealth to the country, are still producers, and employ and pay the labor. Disturb this position, leave only one mine in the region at work, and labor will at once assume a new phase, and the Calumet and Hecla will no longer produce copper at the present figures.

It would be the most unwise thing for the Government and the most unjust thing for the mining industries to remove or reduce the duty.

It may be remarked further that the Cliff mine was abandoned by some of the most sagacious business men in this country as being unprofitable to follow longer; and the inducement that brought new capital to the investment was the protection which the Government extended to the copper interest. Without that this mine would be a ruin and a wreck to-day. It has been worked four years by the present company; and if the duty is removed the property will become worthless and the original investment will be sunk. Labor will be sent elsewhere to find employment—three hundred men are now employed—and the additional wealth that the copper raised gives to the country ceases. The Cliff is only an instance of capital recently invested in abandoned mines and new ventures. The result will be the same in every case.

SILK AND SILK GOODS.

This industry is of comparatively recent origin in our country. The fact, however, that mulberry orchards could be successfully cultivated, and silk-worms propagated to advantage, has long been known from actual test. But it was not until the tariffs of 1862 and subsequent years increased the duties on imported silk and silk goods that attention to any considerable extent was given to the culture and manufacture of silk in the United States. The silk industry has from that period steadily increased up to the present time.

Of the average annual value of silk goods used—amounting to about $60,000,000—one-half of the entire quantity is now manufactured in the United States. At the rate at which this industry has been developed during the last decade, there is no reason to doubt that in a few years more, under the present tariff, the American product will be equal to the entire demand, with a large surplus for export. But under the proposed tariff it is not possible that this indus-

try can long survive against the large increase of imported silks that will inevitably take place. Imported silk goods that are now paying a duty of 35 per cent. will, under the proposed tariff, be admitted at a duty of 25 per cent. Goods paying 40 will enter our markets at 30; and those silks now charged 50 and 60 per cent. will be admitted at 40 per cent. duty.

Those familiar with the facts know that this comparatively new enterprise cannot successfully, under the reduced rates of duty, compete with France and other countries that have for centuries devoted their capital and cheap labor to the production of silk fabrics. It is unreasonable to expect such a result. Our silk industries must be protected or they must be abandoned. The new tariff reduces the annual receipts for duties on imported silk goods to the extent of $4,234,674.04. No intelligent person has the presumption to claim that the home industry can long survive this radical reduction of the tariff under which our silk factories were built up and their products increased up to the aggregate of $30,000,000 per annum.

WOOL AND WOOLEN MANUFACTURES.

On wool and woolen fabrics, including carpetings, the annual duties undergo a reduction of $8,259,087.70, by the proposed change of tariff. On first and second class wools the duties are reduced about 50 per cent. This aims a serious blow at one of the important farming interests, and sends the manufacturers abroad for their supplies of wool, now obtained mainly at home. Our average annual product of wool, according to the best authorities, is 177,000,000 pounds, which, at the present average price, nets the farmers an annual income of $60,000,000. The proposed reduction of the tariff will enable the wool-growing districts of the Argentine Republic to stock our markets with wool from that quarter, raised at comparatively little cost by the naked and poorly fed "peon" laborers of La Plata. To show the strength of the competition from that quarter it is only necessary to quote the export of wool from Buenos Ayres, and note its rapid annual increase, as follows:

Exportation of wool from Buenos Ayres.

Years.	Number of bales.	Observations.
1832	944	
1840	3,577	Increase in 8 years, 280 per cent.
1850	17,069	Increase in 10 years, 380 per cent.
1854-'55	27,677	Increase in 5 years, 62 per cent.
1855-'56	33,273	Increase in 1 year, 20 per cent.
1856-'57	37,835	Increase in 1 year, 14 per cent.
1857-'58	34,255	Year of the European crisis.
1858-'59	49,970	Increase in 2 years, 11 per cent.
1859-'60	38,482	Year of epidemic.
1860-'61	60,892	Increase upon the anterior year, 58 per cent.
1861-'62	65,216	Increase upon the anterior year, 5¾ per cent.
1862-'63	78,697	Increase upon the anterior year, 21 per cent.
1863, '64	91,831	Year of epidemic..... 16 per cent.
1864-'65	130,532	Increase ..... 43½ per cent.
1865-'66	144,167	Increase..... 10½ per cent.

The bales weigh on an average 400 kilograms.

This is down to 1866; but subsequent years indicate a similar increase, though the exact figures are not at my command.

We can see clearly in this statement the source of our supplies under the operation of the proposed tariff, and can have no difficulty in estimating the disastrous results that will follow to the agricultural interests of our own country.

Another effect will be the decrease of the present supply of mutton, with a corresponding increase in the cost of this and other table meats. It is not the farmer and the wool manufacturer alone who will suffer, but the entire people.

But the wool and the nutritious food are not the only benefits derived from successful sheep-raising. It has been fully demonstrated that sheep, through the peculiar nutritiousness of their manure and the facility with which it may be distributed, are found to be the most economical and certain means of solving the highest problem in agriculture—that of constantly renewing the productiveness of the land. It is estimated on good authority that fifteen hundred sheep folded on an acre of land for twenty-four hours, or one hundred sheep for fifteen days, would manure the land sufficiently to carry it through four years' rotation. It was the sagacious Thiers who said—

The agricultural industry of France cannot dispense with sheep.

The threatened destruction of this industry in our own country cannot fail to inspire the farmers and the people generally with the most serious concern.

With rare exceptions the wool manufacturers do not ask a reduction of the duty on wool. Our home product of wool under the fostering effects of the present and former tariffs, has been so increased in quantity and quality that they prefer the existing adjustment of the tariff on wool and woolen manufacturers to any change that can be made.

A reference to the proposed tariff will show that as with wool so with woolen and mixed fabrics the tariff is reduced 25 to 35 and even 50 per cent.

Since 1862, under the increased tariff, our wool-manufacturing mills have been doubled in their number and capacity, while the increase in the quantity and variety, and the improvements in the quality of their products have kept pace with the enlargement of their facilities. Three-fourths of our annual consumption of woolen and mixed goods (the aggregate of the home and foreign supply amounting to $240,000,000) are the product of our own mills and factories; and our facilities are capable of supplying the entire consumption of the country. Yet our free-trade advocates would open our markets to half-paid labor competition from abroad, close the doors of our mills, and turn our thousands of operatives upon the streets, as has already been done on several memorable occasions through the operation of low tariffs.

Contrary to the claim of the advocates of free trade, that a high tariff permanently increases the price of the home and foreign product, it is daily demonstrated by actual experience that, with rare special exceptions, the effects are directly the opposite. Under the operation of the protective tariffs of the last decade, we are not only, as has been stated, producing double the quantity of woolen and mixed goods each year, but the qualities are better, the varieties greater, and the prices are lower in most cases, measured by a gold standard, than they were ever before in this country, and cheaper even than imported goods, until the imported article has undergone an actual reduction in price in order to effect sales in our markets. I will quote from a carefully-prepared article in the Republic Magazine in support of the well-established fact here presented. The writer remarks that—

John L. Hayes, esq., of Boston, secretary of the National Association of Wool Manufacturers, in a recent report on the progress of American manufactures, says: "We have, since the protective tariff of 1862, succeeded in making the European palace carpet, known as the Axminster carpet, superior in strength and wear to the French carpet, and in beauty and finish so exact a copy of the original that, side by side, it is difficult to detect any difference. These," says Mr. Hayes, "we make at so low a cost that we have compelled the manufacturer of the foreign article to reduce his price a dollar or two a yard, although the American Axminsters are frequently put upon the market and sold for the foreign article." In Brussels and other rich and expensive carpets similar results have been reached, and the prospect now is that, as in the case of iron, cutlery, steel shovels, watches, clocks, sewing-machines, &c., our carpets will soon find profitable markets on the other side of the Atlantic.

Of home manufactures there has been brought out within the last five years a very large class of dress goods, embracing nearly every variety required for ladies' wear. "Our silks," says Mr. Hayes, "our lusters, our serges, and a great variety of cotton stuffs, of a class not made in this country at all until within the last five years, challenge comparison with any similar goods made abroad. And in the article of carpets," he continues, "I say without hesitation that we surpass the manufacture of any other country on the globe. But the great fact to be looked at," he adds, "is that we have not only done all this, but we have been enabled to make these goods cheaper through the competition that grows out of our protective system."

If the reader, in any of our larger cities where a wholesale business is done, will take the trouble to make inquiry, he will find that flannel goods (and they are the basis of cloths and other woolen fabrics) are on a gold value from 15 to 20 per cent. cheaper now than they were in 1860. This fact is well known to the wholesale trade, though retail establishments may not have so informed their customers. The same is true of many other descriptions of manufactures. Says Mr. Hayes:

"We make all our undergoods, stockings, hosiery, and goods for underclothing, amounting to some $40,000,000. Three or four years ago we made no goods of the class that are made fitted to the form; but we have succeeded in making these, also, not by hand, but by machinery, and surpassing in quality any goods of the kind that are made abroad. The result of this has been that American competition has actually reduced the prices of the foreign articles."

This is our experience under a protective tariff; and when our currency, at no distant day, reaches a gold value, the prices of all staple and most of the minor articles of manufacture will range lower than at any former period in our history, excepting on extraordinary occasions under the pressure of a crisis or other unfavorable circumstances. Free traders may continue to spin fine theories, but Alexander Hamilton was right when he said that under protection, "the internal competition which takes place soon does away with everything like monopoly, and by degrees reduces the price of the article to the minimum of a reasonable profit on the capital invested."

MARBLE IN BLOCKS AND SLABS.

Marble abounds in our own country, and has become an important industry; yet it would appear that the framers of the proposed tariff prefer to have our supplies brought from abroad. During the last year there were paid into the United States Treasury $205,049.86 in duties collected on imported marble. The duty is 50 cents per cubic foot. The Morrison tariff reduces it to 30 cents. The increased importation under the reduced tariff cannot fail to seriously injure, if not wholly destroy, the home industry, especially in the districts near the sea-coast.

PENCILS AND PENS.

Last year a revenue of $61,389.83 was derived from imported pencils of wood filled with lead; but on an importation of a similar quantity under the Morrison tariff there will be a loss of revenue amounting to $19,481.12.

On the year's importation of imported metallic pens the loss of revenue will be $15,847.98. These reductions of duty will be made up by increased importations; but the effect will be to largely defeat the efforts of our own manufacturers of pencils and pens, and throw the business into the hands of foreigners. Whatever operates to diminish the number of artificers at home tends to impoverish the industrial classes. We have the materials and facilities to manufacture all the pencils and pens required in the country. It is not so much the loss of revenue as the transfer of our industries to our foreign competitors that the proposed tariff aims to accomplish. Under its operation importations will be largely increased; but in the same ratio our home industries will be diminished, and our artisans and their families be made to suffer for want of employment. "Protection benefits the state by giving employment to the people."

OUR SOAP INDUSTRY.

All the plain and fancy soaps required should be manufactured at home, yet the returns show that during the last fiscal year $147,845.80 were collected and paid in gold into the Treasury as duties on imported soaps. It is now proposed to decrease the aggregate receipts of revenue from this source to the extent of $40,280.40. This will increase the importation and take the bread out of the mouths of our own soap manufacturers and their families.

ADDITIONS TO THE FREE LIST.

On articles transferred to the free list in the proposed tariff duties were collected during the last fiscal year to the amount of $2,468,098. But this is as nothing compared with the disastrous results that must inevitably follow to many of our important and minor industries. But, lest I should be charged with a manifestation of undue alarm, I will quote the discriminating views of D. H. Mason, esq., of Chicago, who has given much attention to the subject. He says, correctly, that—

The folly and wickedness of the bill generally, as regards the greater industries of the country, as iron, wool and woolens, cottons, and the like, is exceeded when it comes to the proposed free list, in which a large number of leading articles now chiefly and in some cases wholly produced in this country are hereafter, if the bill should pass, to come from abroad. The immediate result would be to close the great chemical works, the manufactories of paints, drugs, oils, dyes, and the thousand like establishments that altogether make up an enormous aggregate of business. In many of these cases an entire independence of foreign supply has long been established, and the consumption of the country is almost wholly of its own production. In others, and this is true of most of them, there is a small importation; but in all cases the entire removal of the duty would be followed by large importations, for the time breaking the price low enough to silence our own manufactories, and then followed by an advance in price when they became masters of the field. The long catalogue of such articles now paying duty and proposed by this bill to be made free aggregates not less than two hundred millions in value as now manufactured in the United States, giving employment to 100,000 persons. Such is but an illustration of one of the classes of interests which these charlatans trifle with.

RECAPITULATION.

An analysis of the proposed tariff, under a comparison with the present rates of duty, gives the following results:

Decrease of duty from the actual receipts of the fiscal year 1875		$18,454,081 72
Add amount duties not collected during eight months and three days under the provisions "less 10 per cent."—		
Cotton goods	$700,907 04	
Iron and steel	3,591,465 69	
Copper	3,190 16	
Lead	545,887 23	
Wool	2,863,551 40	
		7,705,001 52
		26,159,083 24
Increase of duty		20,038,580 85
Excess of decrease		6,120,502 39

It will be observed that the "increase of duty" is not upon goods now paying duties, but mainly upon tea and coffee, which are now admitted free of duty, and ever ought to be, so long as they do not come in competition with home products of the same articles. The amount of duty proposed to be collected from these two items is $19,216,701.14. So in future, if the proposed tariff goes into operation, the poor man's family will be taxed heavily for these two important articles of daily consumption.

Aside from the tax proposed to be levied on tea and coffee, the increased duties amount to only $821,879.71, while the decrease for the year is over $26,000,000. Practically, however, even if tea and coffee should not be taxed, there will be little or no decrease in the aggregate receipts. The duties from the increase of importations, now unusually large, will overcome the reductions proposed in the tariff, and in a very few years return a larger customs revenue than that now collected. The Morrison tariff is an invitation to foreign manufacturers to surfeit our markets with imported wares, and the opportunity will be promptly embraced. The extent of its evil tendencies can scarcely be measured; and the country now appeals to the wisdom of this Congress to save the people from a practical realization of its fearful consequences.

Free-trade propagandists are energetically laboring to impress the people with their dogmas, and they are not without converts among the salaried classes, who are made to believe that free trade will reduce prices and increase the purchasing power of their salaries or wages. They forget that the very first tendency of a low tariff is to fill our markets with foreign products and not only reduce wages but transfer the labor to foreign countries. This has invariably been our experience in the past under low tariffs, and will be again if the Morrison reduced scale of duties should be allowed to go into operation.

Having impartially considered the proposed tariff in detail, it will be in place now to devote the few minutes more allowed me to a brief consideration of some of the fallacies of the free-trade theories in connection with the claims of the protective policy to the confidence and indorsement of the people.

FREE-TRADE FALLACIES—OUR FOREIGN COMMERCE.

One of the arguments most persistently adhered to by free-traders is in support of their favorite dogma that "protection destroys foreign commerce." Like most of their claims, this one is without foundation. Our tariffs have been higher, very much higher, during the last fourteen years than ever before. During this period the increase in our foreign commerce has been great beyond precedent. Here are the official figures showing the results:

Fourteen years under partial free trade.

Fiscal year.	Domestic exports.	Import entries.	Exports of imports.
1848	$132,904,121	$154,998,928	$21,128,010
1849	132,666,955	147,857,439	13,088,865
1850	136,946,912	178,138,318	14,951,808
1851	196,689,718	216,224,932	21,698,293
1852	192,368,984	212,945,442	17,289,382
1853	213,417,697	267,978,647	17,558,460
1854	252,047,806	304,562,381	24,850,194
1855	246,708,553	261,468,520	28,448,203
1856	310,586,330	314,639,942	16,378,578
1857	338,985,065	360,890,141	23,975,617
1858	293,758,279	282,613,150	30,886,142
1859	335,894,385	338,768,130	20,895,077
1860	373,189,274	362,166,254	26,933,022
1861	228,699,486	335,650,153	20,645,427
Total	3,384,863,565	3,738,902,377	298,727,168

Fourteen years under protection.

Fiscal year.	Domestic exports.	Import entries.	Exports of imports.
1862	$213,069,519	$205,771,729	$16,869,466
1863	305,884,998	252,919,920	26,123,584
1864	320,035,199	329,562,895	20,256,940
1865	323,743,187	248,555,562	32,114,157
1866	550,684,277	445,512,158	14,742,117
1867	438,577,312	417,833,575	20,611,508
1868	454,301,713	371,624,808	22,601,126
1869	413,961,115	437,314,255	25,173,414
1870	499,092,143	462,377,587	30,427,159
1871	562,518,651	541,493,708	28,459,899
1872	549,219,718	640,338,766	22,769,749
1873	649,132,563	663,617,147	28,149,511
1874	693,039,054	595,861,248	23,780,338
1875	643,094,767	553,906,153	22,433,624
Total	6,616,354,216	6,166,689,511	334,512,592

These are extraordinary and significant results. They are silent but unanswerable arguments against the free-trade theories and in favor of the protective policy. There is not only an unprecedented expansion of exports and imports, but it will be observed that in nearly every year the exports exceed the imports during the later period of high-tariff experience.

But this is not all. The development of every other branch of our industries during the last fourteen years of high tariffs has been equal to, and in many cases even greater than, the increase in our foreign commerce. Protection indicates development and prosperity. Free trade means a surfeit of foreign-made goods, closed factories at home, idle workmen, and hungry families.

INTERNATIONAL COMPETITION AND NATIONAL SELF-PROTECTION.

International competition is a system of peaceful warfare. Each nation considers only its own interests in the struggle for ascendency. The present English policy is a system of so-called free trade, but her batteries of factories were erected, put in successful operation, and fully established in advance of other nations, under the most rigid and thorough system of protection ever maintained against foreign competition. At a subsequent period, when her manufacturing power had become thoroughly developed, the grand idea was conceived of making that the manufacturing center of and for the world, to which all raw material should come, and from which all manufactured goods would be exported for the use of the entire human family. Ireland and her West India and other colonies were prohibited from refining their own sugar or manufacturing their own goods. Carey, in his Social Science, says:

The first attempt at manufacture in the American colonies was followed by interference on the part of the British Legislature. In 1710 the House of Commons declared that "the erecting of manufactories in the colonies tended to lessen their dependence on Great Britain;" and the board of trade was ordered to report upon the subject. In 1732 the exportation of hats from province to province was prohibited and the number of hatters' apprentices limited. In 1750 the erection of any mill or engine for splitting or rolling iron was prohibited; but pig-iron might be sent to England duty free, thence to be returned in a finished form. Later Lord Chatham declared that he would not allow the colonists to make for themselves so much as even a single hobnail.

When by these and other arbitrary measures England had obtained supremacy over the world in her manufacturing industries her protective policy was relaxed, and a system of free trade was proposed to the world, with an invitation to all other governments to follow her example. The proposition was not accepted. Other nations, under the policy of protection then and still in vogue, put forth their efforts to increase their own manufacturing facilities, and have succeeded in competing successfully against the odds already obtained in England by prior development.

Failing in securing a system of free trade with other nations, England's next resort was to international commercial treaties, in which

she was partially successful. France and some other powers were forced or persuaded to modify their existing tariffs to some extent, much to their subsequent regret.

Such are some of the means adopted by England to secure free trade with other portions of the world. Our own country has never yielded its right to control its own foreign commerce, although it has been for years and still is the objective point to which England's energies have been directed in order to secure a reduction of our tariffs. At the present time the Cobden club is doing much to mislead the public mind, both in America and elsewhere, and mold the popular sentiment in favor of free trade. It has already in its membership 691 persons, of whom 496 are residents of Great Britain, and 195 of various foreign countries, embracing the United States 56, Australia 3, Austro-Hungarian Empire 12, Belgium 10, Brazil 2, Canada 2, Denmark 2, Egypt 1, France 36, Germany 14, Holland 12, Italy 14, Mexico 1, Norway 2, Portugal 5, Russia 8, Servia 1, Spain 9, Sweden 4, and Switzerland 1. Some of these members are men of enormous opulence, as Baron Lionel N. de Rothschild, Nathaniel M. de Rothschild, M. P., and A. T. Stewart. A very wide range of pursuits are represented in the list of names—members of Parliament, princes, public functionaries, Representatives in Congress, foreign ministers, college professors, editors, and so on—clearly evidencing the vast power and extent of combination existent in the association, and the energetic influences which can be made to proceed from its deliberate action. Its objects, its mode of operation, and the character of its work are thus outlined in the "Report of the committee of the Cobden club, presented at the annual general meeting, June 26, 1875," as follows:

During the year 1874 the committee distributed the following works:

1. Professor Thorold Rogers's Cobden and Political Opinion, (820 copies,) presented to the members of the club and to the free libraries.

2. Bastiat's Essays on Political Economy, a selection in English, (3,000 copies,) presented to members of the club and to free libraries, to workingmen's clubs, mechanics' institutes, &c., at home, in the United States, and in the colonies.

3. The History of England from 1832 to the Present Time, by Rev. W. Nassau Molesworth, (100 copies,) presented to the free libraries.

4. The Financial Reform Almanac for 1874, (3,000 copies,) presented to the members of the club, to the free libraries, and workingmen's clubs, &c.

5. Report of the Proceedings at the Dinner of the Cobden club, 1874, (Right Hon. W. E. Baxter, M. P., in the chair,) with the committee's report of the work of the club from its foundation, and an appendix relating to free trade in the colonies, (15,000 copies,) circulated among the members of the club and the various libraries, public institutions, associations, &c., with which the Cobden club is in communication, at home and abroad.

Since the beginning of the present year the new series of Cobden club Essays on Local Government and Taxation, which was announced in the last report, has been published, (2,000 copies.) The volume has been presented to all the members of the club, and to the free libraries at home and some of those in the United States, in the colonies, and on the continent. The number of copies sold from the publishers (312) will be found entered in the statement of receipts and expenditures up to the present date, which will be laid on the table.

The committee are glad to state that the work has been received with approval; and they desire to return their cordial thanks to the writers of the essays, to the literary committee, and to Mr. J. W. Probyn, the editor, for their respective services.

The Financial Reform Almanac for 1875 (1,500 copies) has been purchased and distributed as before.

At the last general meeting the committee submitted the following proposals with regard to the future action of the club:

"1. To publish in a cheap form a selection from Mr. Cobden's speeches and works, and books and pamphlets calculated to further the cause of free trade, for circulation in Great Britain, the United States, and the British colonies.

"2. To assist in promoting lectures and publications on political economy and instituting rewards for essays in accordance with Mr. Cobden's views.

"3. To communicate with friends in other countries with a view of circulating free-trade publications and helping on measures likely to promote international amity."

With reference to the first proposal, the committee have communicated with Mr. Henry Richard, M. P., who reports that he is actively engaged in collecting and preparing the correspondence of Mr. Cobden for publication. The committee will lend their best aid in promoting this work.

The committee also propose to issue a revised edition of Sir Louis Mallet's Essay on the Political Writings of Cobden. Five thousand copies will be circulated.

In order to carry out the second proposal, the literary committee has been empowered to offer prizes in connection with the lectures on political economy and English history, organized in several of the large provincial towns by the Cambridge University Extension Syndicate, the prizes to consist of sets of standard books relating to the subjects taught.

With a view to giving effect to the last proposal, the committee have authorized a translation to be prepared of the Hon. David Wells's speech on the "Results of Protection in the United States," delivered before the Cobden club 27th June, 1873, and 2,000 copies to be printed and circulated in Italy, where the interests of commerce are immediately threatened by the proposals of the Italian government in the direction of a protective tariff.

The gold medal of the Cobden club has been awarded to M. Michel Chevalier for his eminent services in the cause of free trade.

Here we obtain some knowledge of the efforts made by this wealthy and zealous organization in behalf of England's policy of free trade. Its efforts are directed more persistently against the United States than any other country. It is stated on reliable authority that the club is in communication with 256 public libraries in the United States, the Free-Trade League in New York, the Young Men's Free-Trade Association in Boston, various diplomatic representatives, members of Congress, and nearly all of our educational institutions. Among its members in the United States are: C. F. Adams, J. Q. Adams, Boston; H. Adams, Harvard University; Professor A. L. Perry, Cambridge, Massachusetts; E. Atkinson, Boston; S. Bowles, Springfield, Massachusetts; W. C. Bryant, New York; J. D. Cox, Cincinnati; Hon. S. S. Cox, New York; W. L. Garrison, Boston; W. M. Grosvenor, Saint Louis; J. T. Hoffman, C. T. Lewis, Manton Marble, R. B. Minturn, C. H. Marshall, J. S. Moore, New York; Charles Nordhoff, James Redpath, Washington; A. Pell, jr., Mahlon Sands, A. T. Stewart, New York; Professor W. G. Sumner, New Haven; George Welker, New York; H. Watterson, Louisville, Kentucky; David A. Wells, Norwich, Connecticut; Horace White, Chicago; Professor Woolsey, LL.D., New Haven, Connecticut; David D. Field, New York; Hon. L. F. Foster, Norwich, Connecticut.

This is but a portion of the Cobden club membership in the United States. Working through the New York Free-Trade League, it has co-operative agencies distributed over the Union, with an extensive, comprehensive, and energetic propagandism in full aggressive operation. Its publications are regularly supplied to the libraries of our literary and educational institutions, and are largely read and used as text-books on political economy by professors and students. Referring to its aggressive operations in the Western States, the Chicago Inter-Ocean says:

It has influential representatives in all the strongholds which command the public mind: in the pulpit, in the press, in the college, in the counting-room, in the circle of diplomacy, in the ranks of authorship, in the legal profession, and even in Congress. And what is the ultimate object of all this association and combination? Hidden as it may be under adroit phrases and sincere as may be some of the votaries of free trade, the ultimate object is to abolish all custom-houses, to repeal all tariffs on imports, to open all ports indiscriminately to the entrance of foreign goods, in order that Great Britain—with its vast mercantile navy, its numerous insurance companies, its extensive network of branch houses, agents, factors, and banking facilities, its astute devices of consular action and diplomatic manipulation—shall become a sort of commercial sponge to soak up the profits of the world's exchanges by obtaining, through these overwhelming advantages, a monopoly control over many foreign markets. All this is projected to be accomplished in the prostituted name of "the freedom of commerce."

So much for the instrumentalities put forth by England in order to create public sentiment in the United States against the established policy of protection to our own home industries. If our democrat friends in this House will appoint another investigating committee, and direct it to trace the proposed new tariff to its origin, they will find that it was compiled under the inspiration of this same English free-trade club, with the approval of the New York Free-Trade League. It was subsequently submitted to David A. Wells for revision, and Mr. Wells is the active representative in the United States of the Cobden club, and a zealous co-operator with the New York Free-Trade League.

WILL CONGRESS RELINQUISH AN ESTABLISHED POLICY TO GRATIFY ENGLAND?

One of the paramount obligations of Congress is to guard the interests of the people; and a leading quality of successful statesmanship is ability to plan and carry out those measures which will best accomplish this object.

It is now conceded by every disinterested patriot in the land that reasonable legislative protection to American industries should be the established policy of the Government. This principle has always been recognized as the basis of our prosperity. It was the aim of our earliest statesmen. Washington, in his first messsage to Congress, said:

The safety and interest of the people require that they should promote such manufactures as tend to render them independent of others for essential, particularly for military, supplies.

The first act of the First Congress was prefaced by a preamble, declaring its object as follows:

Whereas it is necessary for the support of the Government, for the discharge of the debt of the United States, and the encouragement and protection of manufacturers, that duties be levied on goods, wares, and merchandise imported.

In his second message to Congress Washington used this language:

Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence not to insure a continuance of their efforts in every way which shall appear eligible.

Dr. Franklin, in 1771, thus expressed his views on the subject:

It seems the interest of all our farmers and owners of land to encourage our young manufactures, in preference to foreign ones imported among us from distant countries.

In 1779 Alexander Hamilton wrote as follows:

To maintain between the recent establishments of one country and the long-matured establishments of another country a competition on equal terms, both as to quality and price, is in most cases impracticable. The disparity in the one or in the other or in both must necessarily be so considerable as to forbid a successful rivalship without extraordinary aid and protection from the government.

Henry Clay, in 1824, in one of his unanswerable speeches on the importance of protection, said:

It is most desirable that there should be both a home and a foreign market. But with respect to their relative superiority, I cannot entertain a doubt. The home market is first in order and paramount in importance. * * * But this home market, desirable as it is, can only be created and cherished by the protection of our own legislation against the inevitable prostration of our industry, which must ensue from the action of foreign policy and legislation. * * * If I am asked why unprotected industry should not succeed in a struggle with protected industry, I answer: The fact has ever been so, and that is sufficient; I reply, that uniform experience evinces that it cannot succeed in such a struggle, and that is sufficient. If we speculate on the causes of this universal truth, we may differ about them. Still the indisputable fact remains. * * * The cause is the cause of the country, and it must and will prevail. It is founded on the interests and affections of the people. It is as native as the granite deeply embosomed in our mountains.

General Jackson, in 1824, wrote:

It is time that we should become a little more Americanized, and, instead of feeding the paupers and laborers of England, feed our own.

James Madison, in 1828, said:

A further evidence in support of the constitutional power to protect and foster manufactures by regulations of trade—an evidence that ought in itself to settle the question—is the uniform and practical sanction given in that power, for nearly forty years, with a concurrence or acquiescence of every State government throughout the same period and, it may be added, through all the vicissitudes of party which marked that period.

Mr. Adams, in a report from the Committee on Manufactures to Congress, in 1832, said:

And thus the very first act of the organized Congress united with the law of self-preservation, by the support of the government just instituted, the two objects combined in the first grant of power to Congress: the payment of the public debts and the provision for the common defense by the protection of manufactures. The next act was precisely of the same character: an act of protection to manufactures still more than of taxation for revenue.

Daniel Webster, in 1833, thus appealed to Congress in behalf of American labor:

The protection of American labor against the injurious competition of foreign labor, so far, at least, as respects general handicraft productions, is known historically to have been one end designed to be obtained by establishing the Constitution; and this object, and the constitutional power to accomplish it, ought never to be surrendered or compromised in any degree.

Abraham Lincoln, on being nominated to the Legislature of his State, in 1832, in a speech said:

I am in favor of the internal improvement system and *a high protective tariff*.

In three compact sentences, defining the wants of the country, President Grant thus expresses his views:

A duty only upon those articles which we could dispense with, known as luxuries, and those of which we use more than we produce.

All duty removed from tea, coffee, and other articles of universal use not produced by ourselves.

Encouragement to home products, employment to labor at living wages, and development of home resources.

Thus from the lips of Presidents and statesmen, in all periods of our country's history, we have abundant evidence of the indorsement of the policy of protection. It has always been accepted as the national, or, as Clay expressed it, the *American system;* and its advocates were never more strongly impressed with its importance as the basis of national prosperity than at the present time.

In looking for the cause of this we find it in the evidence afforded by the fact that, as has already been shown, our manufacturing facilities have been doubled in the last fourteen years, and a vast number of new and important branches of industry have been successfully added to those already in existence. We also find that our foreign commerce has increased a hundred per cent. in the same period and that our exports exceed our imports. Again it is shown that a wide foreign market is opening up for the sale of manufactured goods, while the foreign demand for agricultural products has increased to an average value of $450,000,000 per annum.

Is it a mark of statesmanship, therefore, or even of ordinary wisdom, to destroy, or even reduce, the protective features of an established tariff policy that has contributed so largely to the general development of the country? It will be well to "make haste slowly" in this movement, and consult well the voice of the country before the contemplated radical changes in the tariff are adopted, to be regretted when it may be too late to remedy the error thus committed.

Mr. FOSTER. Mr. Chairman, when the bill now under consideration was reported to the House I stated that its general scope was sustained by the minority of the committee, and that while we were willing to join the majority in a radical reduction of expenditures we could not fully sustain the bill, and that we should move amendments in various places, which, if adopted, will add perhaps one or one and a half millions of dollars to the bill; that notably the proposed appropriations for the Internal-Revenue Bureau were so much reduced as to seriously jeopardize the successful collection of the revenue. A more careful analysis of the bill since it has been printed confirms my opinion that amendments should be made as then suggested. The republican members of the committee entered upon the task assigned them with an earnest determination to make such reductions in the working force of the various Bureaus as was possible without injuring their efficiency. They appreciated to the fullest extent the depressed condition of the industries of the country. They further appreciated the fact that all business enterprises were economizing to the utmost limit and that in consequence of this depression and economical tendency the revenues would necessarily be reduced. They also appreciated the fact that the country demands a reduction of expenditures to the lowest possible limit consistent with the proper working of the Government machinery.

Mr. Chairman, entertaining these views they have, as attested by the honorable chairman of the committee, discharged the high trust conferred upon them without regard to the interest of any party, but solely in the interest of the public service.

On this question we have planted ourselves on a purely business basis. The minority of this House stand to-day ready and willing to aid the majority in the reduction of appropriations to the lowest possible limit consistent with the proper conduct of public affairs. In saying this I do not contend that we are perfect in our judgment, but I intend to exercise my best judgment in the direction here indicated, and shall act in this House in accordance therewith, and what I say for myself I concede to others on both sides of the House.

This much I have said, Mr. Chairman, because our friends on the other side have charged the minority with being the enemies of reform. What interest have the majority in economical government that we have not? Why should we want extravagant appropriations more than they?

Mr. Chairman, the country will judge us fairly. The majority cannot afford to reduce the expenditures of the Government to such an extent as to cripple the working of the machinery thereof any more than we can. Then why should we not approach this subject as intelligent business men, as I hope we all are, without seeking party advantage? Let us make these appropriations as carefully and judiciously as if it were a matter purely personal to ourselves. The chairman of the committee, who has during his long service here been the advocate of high salaries, may talk himself hoarse in protesting his submission to the will of the people in vain if in his humiliation he goes to the other extreme and by his action cripples the governmental machinery. Should his action have this result, he will next year bow his head still lower in humble submission to public judgment when he is called upon to act upon a flood of deficiency bills.

It is due the great party that has so successfully governed the country for the past sixteen years to say that its policy has been that of a steady and safe reduction of the force of Government employés since the culmination of numbers and expenses was reached in 1867. If it had control of this House to-day this policy of reduction would be strictly and inexorably adhered to. Since 1867 the reduction in the number of employés of the Treasury Department, exclusive of the Bureau of Engraving and Printing, has exceeded twelve hundred, and the reduction in cost has now reached about one and a half millions of dollars. In the other Departments affected by the bill before us the reduction made since 1867 has been probably one thousand in numbers, at a saving of more than one million of dollars; making a grand total in reduction of more than twenty-two hundred in numbers, and an annual saving of two and a half millions of dollars. As we recede from the years of immense clerical force demanded by the results of war, we have annually reduced the number and cost of employés as the business would permit.

These measures of economy have been the result of the action of the legislative branch of the Government while under the control of the great party to which the nation owes its existence to-day, and in this policy of economy the executive branches have cordially co-operated. The Secretary of the Treasury has annually called the attention of Congress to the necessity of frugality and economy in expenditures, as witness the following from his last annual report to this Congress.

The Clerk read as follows:

Frugality in administration is among the foremost and most important points of a sound financial policy. Faithful collection of the revenue and reduction of expenditures to the lowest point demanded by the necessities of government, constitute the first duty of those intrusted with making and administering the law. The obligation to adhere strictly to this duty has peculiar force while the public indebtedness is large and the industries of the country are suffering from financial depression. Rigid economy at such a time must lead to two important results: first, advancement of the credit of the Government throughout the financial world, and hence ability to refund the debt at a lower rate of interest; second, and by no means least in importance, greater willingness on the part of the people to bear the burden of taxation, when they see that their Government, like themselves, is reducing expenditures to the lowest practicable point, and applying the revenue received from them to its necessary and legitimate purposes. The general depression of business which followed the era of inflation and extravagance, through which we have just passed, has made it necessary that individuals, associations, and corporations should reduce their expenditures to the minimum; and, having done so, the tax-payers have a right to demand that the Government shall do likewise. While the interest on the public debt, and all other national obligations, must be promptly met, there are many points at which it is believed that considerable reduction of appropriations can properly be made; and the Secretary invites critical examination of all the estimates submitted to Congress. Increase of public expenditures in time of great prosperity and extravagance is accomplished by an easy process; but a corresponding reduction when the reverse comes can be brought about only by the closest vigilance and most determined resistance to every appeal for appropriations not required by the existing necessities of government.

Mr. FOSTER. This, Mr. Chairman, is sound advice, such as I trust this House will approve. The Secretary not only gives us good advice, but he acts upon it himself. The chairman of the committee referred to the fact that the appropriations for the collection of the customs were made permanent and do not pass annually under the review of Congress. Whether it is wise or not to change the present form (which I understand has existed from the beginning) of making these appropriations I will not stop to discuss, but I do know that in the exercise of the discretion therein conferred on the Secretary of the Treasury he has reduced the number of employés engaged in the collection of the customs so that the annual saving will reach one and a half millions of dollars. Yet, Mr. Chairman, this very officer, with such a splendid record on the very question now so interesting to our friends on the other side, was not consulted when this bill which so much affects the Department over which he so ably presides was being prepared. I do not improperly divulge committee secrets when I say that the committee has been met by the republican Bureau officers, when their advice was sought, with a most commendable spirit; and while they could not assent in all cases to the radical reductions proposed by the committee, they have without a single exception suggested reductions in their several Bureaus, and I might with propriety add that the committee have met as much difficulty in endeavoring to satisfy their democratic friends, the officers of this House, as they have encountered from any of the republican Bureau officers.

Mr. Chairman, having said this much in a general way, I propose now to discuss the bill somewhat in detail, and first let me call the attention of the House to an error in the statement made by the chairman of the committee, unintentionally no doubt, but a very important and serious error. When he introduced the bill he made this statement:

We have been able to make full comparison with the estimates for next year and the appropriations of the current fiscal year. The estimates as furnished for sub-

jects embraced in this bill from the Departments amounted to $20,773,306.70. The appropriations for the purposes embraced in this bill for the current fiscal year were $18,734,422.20. The appropriations which we recommend for the adoption of the House are $12,799,833.61—a reduction upon the estimates of about $8,000,000 and upon the previous appropriation of about $6,000,000.

Now what are the facts? I call the attention of the committee to the last page of the bill, where it will be seen by referring to the item "for the Court of Claims, contingent expenses and pay of judgments," the amount appropriated last year was $435,390. The estimates for the year ending June 30, 1877, are $2,035,340. The amount appropriated by this bill is $31,000; not one cent to pay judgments of the Court of Claims, simply an appropriation for the running expenses of the court.

I now call attention to the appropriations for the operations of the mints and assay offices. It will be seen by reference to next but the last page of the bill, under the item "for the mints and assay offices," that there was appropriated last year $1,220,145; that there was estimated for the year ending June 30, 1877, $1,592,945; and that there is appropriated by this bill $728,810. The mints and assay offices in this country, the assay offices particularly, are practically self-sustaining; that is to say, the charges cover the expenses. In the first place, this bill reduces the expenses for labor very largely, as illustrated by the gentleman from Pennsylvania, [Mr. COCHRANE.] I thoroughly agree with him in his strictures upon that feature of this bill, reducing the pay of laborers in these mints. Very grave reasons should be made manifest to justify the striking down of this branch of the service of the country.

But my purpose in calling attention to this assay-office appropriation was to have the House understand that a very large appropriation is made that does not appear in the footings of the bill. Under the lead of my colleague, the late able chairman of the Committee on Appropriations, [Mr. GARFIELD,] a genuine reform was established in the matter of making certain classes of appropriations. Instead of appropriating the revenues from any given branch of the service for the maintenance of the service from whence the revenue came, he adopted in lieu thereof the policy of compelling the revenue to be paid into the Treasury and appropriations to be made therefrom—a sound principle, and one which ought not to be deviated from under any ordinary circumstances. Now this so-called reform of the committee proposes, on page 36 of the bill, as follows:

And refining and parting of bullion shall be carried on at the mints of the United States and at the assay office, New York; and it shall be lawful to apply the moneys arising from charges collected from depositors for these operations, pursuant to law, to the defraying in full of the expenses thereof, including labor, materials, wastage, and use of machinery.

This clause probably appropriates all the difference between the sum estimated for and the sum appropriated by this bill. If you will deduct from the $2,035,000 estimated for to pay judgments of the Court of Claims—for which no appropriation whatever is made by this bill—the $31,000 appropriated for the running expenses of the court, we will have a difference of $2,004,000, which by every reason of fairness should be deducted from the statement of differences of appropriations. If you will also add the amount appropriated by the provision of the bill which I have just read for mints and assay offices, there will be $844,000 more to be added to the bill. Therefore, instead of there being a reduction of $8,000,000 from the estimates, it is a reduction of but $5,000,000.

The same course of reasoning brings about the following result in reference to the appropriations made by this bill compared with those of last year: The appropriation made last year to pay judgments of the Court of Claims was $435,000; the appropriation made this year for the expenses of the court is $31,000; a difference of over $400,000. The amount appropriated by the provision of the bill which I have read is $728,000, making about $1,000,000, which by every reason of fairness should be deducted from the $6,000,000 of reduction that the chairman of the committee claims is made from the amount appropriated last year. The chairman, therefore, should have stated that the reductions from the appropriations of last year was $5,000,000 instead of $6,000,000, and that the reduction from the estimates for the year ending June 30, 1877, was $5,000,000 instead of $8,000,000.

What does this bill do? We have the statement of the chairman, which you all remember and which I do not care to read at this time, in which he says that the committee adopted the unvarying rule of a reduction of 10 per cent. on the salaries and of 20 per cent. on the force of employés. What is done in the bill by that unvarying rule? I have here a table which shows that in the Bureaus of the Treasury, War, Navy, Post-Office, Agriculture, and Department of Justice there is a reduction of the number of employés of 1,034. The 20 per cent. rule of reduction would be 809, thus showing that 225 persons are to be thrown out of employment over and above the unvarying rule of 20 per cent. adopted by the committee. In all the Departments there are 5,185 clerks and employés, and we find by this bill a reduction of about 1,400. Twenty per cent. of the total amount of the employés would be 1,036, thus showing that this bill proposes to throw out of employment 364 more persons than would be thrown out if the unvariable rule by which the committee has been governed had been carried out in the bill.

We find also that in the various Departments the number of employés whose salaries are not reduced by this bill is 1,802; the number whose salaries are reduced is 1,209. The percentage of reduction on the salaries of the number reduced is certainly more than 15 per cent.

What has really been the principle that has governed the committee in the matter of salaries in the preparation of this bill? I undertake to say that the chairman has unintentionally misled the House in saying that he has followed an unvarying rule of reduction of 10 per cent. on the salaries. To the rule of the committee, as stated by the chairman, there are numerous exceptions. The committee has gone back to 1865, 1863, 1857, and 1855, and ascertained what the salaries were at these dates, and then deducted therefrom 10 per cent. Take many of the chiefs of divisions in the various Bureaus of the Treasury Department, for instance, and in the War Department and other Departments, whose salaries within the last few years have been increased to $2,100 and $2,400, or thereabouts. We go back to 1865 and find that their salaries at that time were $2,000, and we have taken therefrom 10 per cent. That is the principle upon which the committee has acted, and that accounts for the very large percentage of reduction of salaries as shown by this table.

The chairman of the committee claims great credit for coming in here and putting his party, as he proposes to do, upon record for a reduction of 10 per cent. upon their own salaries. Why, sir, if the policy which this committee adopted in preparing this bill is carried out in regard to our own salaries, we must go back to 1865 and previous thereto and find out what our salaries then were, $3,000 each. If the majority desire to be consistent, take from this sum your 10 per cent. and then come into this House with your bill; you will then be consistent. I want to say that if the principles adopted in this bill are approved by the House I shall, if no other member does, move a reduction of 10 per cent. from $3,000, the salary as fixed when that of the clerks was fixed, from whose pay we now deduct 10 per cent. If this is done the committee can boast of a further reduction of nearly $700,000.

Curiously enough, I find that the salaries of the first, second, third, and fourth class clerks and of the two-thousand-dollar chiefs of divisions were fixed in 1855 and in 1857, in good old democratic times, when the cost of living in this city was certainly 33 per cent. less than it is to-day. Those salaries have come down to us through all these years. If they constitute an abuse, it is one that has been inherited from the democratic party. We to-day propose to make this reduction upon these salaries which were fixed in 1855 to 1865, and then go to the country claiming a great credit for reducing our own salaries 10 per cent! There is no consistency in this House, if the principle of this bill is adopted, unless we make our own salaries $2,700.

Now, Mr. Chairman, there is an abuse, the mileage abuse, that ought to be corrected. I hope I do not violate the secrets of the committee-room when I say that the minority tried to remedy it, and we shall seek to remedy it in this House. There are members on this floor who receive more as mileage than other members of the House do as pay and mileage put together. One of the good results of the "salary-grab bill," and about the only thing there was in it that the people approved, was the removal of this mileage abuse. Now, the minority of the committee propose to substitute actual expenses for mileage, in lieu of the present vicious system of payment of mileage.

Now let us take up this matter a little in detail and see what the result is. I will take first the State Department. In that Department there are to-day one hundred and sixteen employés at an annual cost of $135,360. There are recommended in this bill seventy-six employés at an annual cost of $87,470, a reduction of forty in number, an annual cost of $47,890—a reduction not of 20 per cent. in numbers, but of 35 per cent., and 35 per cent. in cost. Now I undertake to say that if there is any Department of the Government that has the confidence of the country, it is the Department of State. Every gentleman who is acquainted with the workings of that Department will agree with me that it is carefully, economically, and prudently managed. I doubt not myself that reductions may be made there as elsewhere; but I want to say that neither the able head of that Department nor any one of his employés was ever consulted when this bill was being prepared. Up to this day not a single member of the committee has consulted with the Secretary of State upon this subject.

Take the Treasury Department. In the office of the Secretary of the Treasury there are employed to-day four hundred and eighty-four persons. The bill proposes to reduce the number to three hundred and seventy-seven, a reduction of one hundred and seven. But, to be entirely fair in getting at this percentage, I want to say that the committee, and especially my friend from Indiana, [Mr. HOLMAN,] were very "sweet" upon the charwomen of that Department. The number of these has been ninety, and when the proposition was made to reduce that number, for some reason or other our friends on the other side opposed the reduction.

Mr. HOLMAN. Does my friend from Ohio [Mr. FOSTER] mean to intimate that as to these old ladies employed to sweep out the Department he was in favor of reducing the number?

Mr. FOSTER. I was not.

Mr. HOLMAN. Then the gentleman from Ohio agreed with his colleagues on the committee in letting the old ladies hold their places.

Mr. FOSTER. Certainly.

Mr. HOLMAN. That is my recollection.

Mr. FOSTER. It is my recollection too. I remember, also, (as we have got into committee secrets a little,) that when the proposition was made to reduce the number of charwomen in the State Department from twenty to ten, I objected to it, but the gentleman from Indiana insisted upon the reduction. But, as I said, the gentleman

from Indiana was "sweet" on the charwomen of the Treasury Department.

Mr. HOLMAN. I have no recollection as to the charwomen of the State Department. My friend seems to have watched with great vigilance that portion of the bill relating to the ladies employed in the various Departments.

Mr. FOSTER. I only alluded to the course of the gentleman from Indiana on this subject——

Mr. HOLMAN. My friend should mention, however, that it is not the clerks of the Department he is speaking of, but the old ladies who at the close of office hours go into the Departments to sweep out the buildings.

Mr. FOSTER. Certainly.

Mr. HOLMAN. I will not say what transpired in the Committee on Appropriations; but I do not remember that my friend from Ohio was the champion of the charwomen of the State Department, though he may have been.

Mr. FOSTER. I gave the gentleman from Indiana the credit of being the champion of the charwomen of the Treasury Department. I simply wanted to say that, after deducting the charwomen, as to whom no reduction was made, the number at present employed is 354, and the force proposed in this bill, deducting the charwomen, is 287, the percentage of reduction being 26 per cent., not the "invariable rule" of 20 per cent.

Now, neither the Secretary of the Treasury nor any one of the employés of his Department was consulted while this bill was being prepared. He himself, in a commendable spirit, proposes reductions; but what do we do? To-day there are in the Secretary's Office ten chiefs of divisions. They are men surrounding the Secretary of the Treasury to whom are referred the various branches of business that have to be conducted in that office. They are his eyes, his ears, his judgment; men upon whom he must rely for facts and even for law. The number of these chiefs has been reduced to five. The Secretary of the Treasury says that he can reduce the number to eight, but that he cannot successfully run that Department with any less number.

Now, Mr. Chairman, after considerable examination of this Office, I want to say to the House that I believe it is the worst policy that can possibly be inaugurated to reduce below a proper number this class of officers or to diminish their pay. We throw upon the Secretary of the Treasury more work than one hundred men are physically able to perform. He must rely upon this class of employés for his judgment upon matters that come before him. A mistake on the part of these men, a want of integrity on their part, would in a single instance cause the loss of ten times all that we might save by the reduction of their salaries.

I would first secure for these places men of capability, men of integrity; and I would pay, as a business man always does under similar circumstances, the amount necessary to obtain them. The bill proposes to reduce these officers to five. The Secretary of the Treasury says he cannot run that Department with less than eight. This is the Secretary who of his own motion, in a part of the appropriations where he has discretion, has reduced the cost of the collection of your customs more than a million and a half of dollars. Now, Mr. Chairman, I am willing to take the judgment of that Secretary as to what his force ought to be. He meets us in a commendable spirit. He is willing to make certain reductions—a large reduction I might say. He may be willing to come down to 20 per cent.; but he cannot successfully run his Office with a reduction of 26 per cent. He speaks for himself in the following letter:

TREASURY DEPARTMENT, *March* 15, 1876.

SIR: I have the honor to invite your attention to the very large reduction, both in the number of employés and the compensation, of those to be retained in this Department, as proposed in the legislative, executive, and judicial appropriation bill reported to the House.

The business of the Treasury Department cannot properly be transacted with the force provided for in the bill, and I recommend that the Bureau officers of the Department be allowed to state their views to the committee as to the proposed reduction in their respective Offices.

Referring to the Secretary's Office, about which I can speak with more personal knowledge, I am positive in saying that it will be impossible to perform the duties imposed upon it by law with the number of officers, clerks, and employés allowed by the bill, which reduces the present number by one hundred and seven persons.

While the public business of the Secretary's office can be transacted more satisfactorily with ten chiefs of divisions, I am willing to undertake the task of getting along with eight divisions, and would suggest the consolidation of the divisions of loans and currency and the internal-revenue and navigation divisions, leaving eight divisions with chiefs and eight assistant chiefs; and with a less number than this the public interests will suffer.

The present compensation of the chiefs of divisions is not a sufficient remuneration for the duties and responsibilities devolving upon them; but, appreciating the determination of the Committee on Appropriations and the House of Representatives to reduce salaries, I refrain from making any recommendations in that direction, but desire to invite your particular attention and that of the committee to the large and unequal discrimination in the bill against the assistant chiefs of divisions, whose compensation is proposed to be reduced $600 per annum each, while that of the chiefs is reduced but $300 each. I recommend that the salary of the assistants shall be fixed at not less than $2,100 per annum each, and I earnestly recommend that the salary of the stenographer to the Secretary remain as at present, namely: $2,400 per annum, as persons possessing the requisite qualifications command a much higher salary in private capacities than the amount proposed for that officer in the bill.

I am, very respectfully,

B. H. BRISTOW,
Secretary.

P. S.—Your special attention is called to the inclosed memorandum respecting the duties of divisions in the Office of the Secretary of the Treasury.

B. H. BRISTOW.

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations, House of Representatives.

There are some strange inequalities in this "unvarying rule" which the majority of the committee has adopted. Let us take the Comptrollers. There are four controlling officers among the Departments, the First and Second Comptroller, the Collector of Customs, and the Auditor for the Post-Office Department. Let us examine the reductions we make in these different Offices. The First Comptroller now has a force of 49 persons; we reduce the number to 39, a reduction of 20 per cent. The Second Comptroller has a force of 73 persons; we reduce the number to 48, a reduction of 34 per cent. in numbers and of 40 per cent. in cost. The Commissioner of Customs, another controlling officer, who controls the expenditures of as large sums as any one of the other officers, has 32 persons employed under him; we reduce the number to 21, a reduction of 34 per cent. in numbers and of 40 per cent. in cost. The Sixth Auditor has 243 persons employed under him; we have reduced the number to 226, a reduction of 7 per cent. in number and of 15 per cent. in cost.

Now I cannot understand why these discrepancies exist. There is another and remarkable feature about this matter. In the First Comptroller's Office the deputy formerly known under the name of chief clerk received $2,000 a year until changed to $2,800 by the Kellogg bill last year, a salary fixed, I think, in 1857, and which was never raised, except upon the percentage paid in 1867 or 1868, until raised by the Kellogg bill, as above. We propose in this bill to reduce his salary 7½ per cent., a reduction of $200. So with the Second Comptroller. But we take the deputy comptroller of the Currency by the nape of the neck and reduce his salary from $3,000 to $2,250, a reduction of 25 per cent.

The deputy commissioner of customs is paid $2,250, a reduction of 10 per cent. The deputy comptroller, as before stated, receives $2,600. The duties of one are certainly as arduous as those of the others. We can take most of these chiefs of divisions and put them back to where they were in 1865 and take from their pay 10 per cent. But here is a certain class, one or two persons, from whom we only take 7½ per cent. from $2,800, when their salaries previously had been only $2,000.

Take the Comptroller of the Currency. His force is reduced 32 per cent. and 36 per cent. in salaries. The Comptroller states to us that he cannot possibly run his Department with the force we give him, and he makes this statement in a letter to my colleague on the committee from New York, [Mr. WHEELER.] His letter is as follows:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, February 23, 1876.

SIR: In accordance with your verbal request I inclose herewith the tables desired by you; also, a statement showing the amount of bank-notes which have been received from the engravers and issued to the national banks, and the amount of national-bank notes which have been received and destroyed since the passage of the act of June 20, 1874. From this statement it will be seen that $194,364,620 of mutilated notes have been returned to this Office, counted, and destroyed during that period. The amount of national-bank notes received from the engravers during the same time was $241,352,587 and the amount issued to the banks $188,266,529, making an aggregate of $623,983,736 which has passed through the hands of the employés in this Office during the last nineteen months, or an average of more than $32,800,000 of currency monthly—a larger amount it is believed than has been received and issued by any Office in the Treasury Department, and a much larger amount of bank-notes than has ever before been counted and issued in any country during the same period of time. The average amount of national-bank notes contained in the vaults of this Office during the present fiscal year is more than $70,000,000, and the amount held at the present time is more than $80,000,000. No losses whatever have occurred in the transaction of this immense volume of business, and no complaints have been made, so far as I am aware, by any of the twenty-two hundred national banks, or other correspondents, of incompetency or fraud.

The Comptroller gives a bond of $100,000 for the faithful performance of his duty and the deputy one of $50,000. None of the other employés of the Office are required to give bonds. The responsibility for these large sums of money is of necessity delegated, in a great measure, to the chiefs of divisions, and others through whose hands this currency is passing each working day of the year.

Until July 1, 1875, no employés in this Office, with the exception of the Comptroller and deputy comptroller, received compensation exceeding $1,800 per annum, while the heads of divisions in various other offices, whose money responsibility and labor were much less than that of clerks in this Office, received much larger compensation.

In addition to the money which has been received and issued from the Office $76,000,000 of United States bonds, both coupons and registered, have been received, transferred, and deposited, or withdrawn from the Treasury during the last calendar year. During the same time more than 17,000 reports exhibiting the condition of the national banks have been received, all of which are carefully scrutinized, in order to ascertain whether these banks conform to the provisions of the national-bank act, and letters are addressed to such parties in all cases where violations of law are found to exist.

More than $21,000,000 of legal-tender notes are now on deposit with the Treasurer for the purpose of retiring circulation; it is probable that during the next fiscal year not less than $70,000,000 of national-bank circulation will be permanently redeemed and destroyed.

The business of this Office, unlike that of many of the Offices of the Treasury Department, is continually increasing, and will, under the present system, continue to increase during the next fiscal year. The amount of national-bank notes to be permanently retired and the amount of bonds to be surrendered will undoubtedly be much greater during the next fiscal year than during the last.

The general depression of business throughout the country, and the consequent financial failures, make it more necessary than ever that the reports of the banks should be carefully examined. The consequent amount of correspondence is therefore greatly increased. The business of the Office is conducted upon the principle of a well-managed bank, and all letters are, as a rule, answered upon the day of their receipt.

The amount of additional force estimated for the last year has proved to be somewhat larger than is necessary, and on this account a number of the employés have been occupied elsewhere in the performance of duty. The number of clerks of the lower grades may therefore be somewhat diminished, and I propose a reduction of nineteen employés; making a reduction of $18,700.

The chiefs of divisions, the stenographer, and many of the other clerks have been employed in this Office for many years. Their predecessors have been induced by higher compensation to accept positions of trust in other places. Bank officers in this city and elsewhere, whose responsibility is far less than that of those holding similar positions in this Office, receive far greater compensation; and I therefore urgently

request that no other deductions be made from the estimates of this Office than those named herein.

Very respectfully,

JNO. JAY KNOX,
Comptroller.

Hon. WILLIAM A. WHEELER,
House of Representatives.

National-bank notes received by the Comptroller of the Currency from engravers from June 20, 1874, to January 31, 1876	$241, 352, 587
National-bank notes issued to banks from June 20, 1874, to January 31, 1876	188, 266, 529
National-bank notes redeemed and destroyed from June 20, 1874, to January 31, 1876	194, 364, 620
Total	623, 983, 736
Monthly average	32, 841, 249

This is a faithful officer, one who discharges his trust with fidelity to the Government; and he comes to us and says that with this large responsibility on his hands he cannot keep this class of men at the salaries we propose now to give. We take his chiefs of division who are to-day getting $2,400 and reduce them to $1,800.

Take the Internal Revenue Department, a Department I undertake to say that is presided over by a man of as much intelligence and as much integrity as any man in this country to-day; a Department that, through all the whisky frauds of the past year, has not found a single employé tainted in the least; a Department that will this year collect more than $120,000,000. What do we do? He estimates for salaries and expenses of collectors of internal revenue $2,151,000. The bill proposes to give him $1,531,000, a difference of $620,000. It is proper to add that the Department has consolidated the collection districts in the country to one hundred and sixty-five, and proposes to consolidate them further, down to one hundred and twenty-nine; and that by this consolidation, if carried out by Congress, they can reduce the cost of making this collection to $1,900,000. The bill proposes to reduce the number of the collection districts to one hundred and five.

Now, Mr. Chairman, I have always favored the consolidation of the collection districts to the utmost extent practicable, but I must in this matter be governed somewhat by the able gentleman who presides over that Bureau, and his corps of able assistants. They claim if this reduction is made, as proposed in this bill, it will be impossible to collect the revenues of the country. I give it as my opinion, let it be worth what it may, that it is impossible to successfully collect the revenues of the country on the appropriation here made. I hold in my hand a letter from the Commissioner of Internal Revenue, which contains his protest against this proposed reduction of collection districts to one hundred and five, which I ask to be printed with my remarks:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, February 26, 1876.

SIR: Referring to the amount asked for the "salaries and expenses of collectors of internal revenue" for fiscal year 1877, I have the honor to state that the original estimate of $2,151,000 for this service submitted by the honorable the Secretary of the Treasury was conscientiously made upon the basis of the machinery of collection as then duly constituted. It was considered as so near the amount that would probably be actually expended, as to lead to the adoption of a plan of consolidation, which had received much consideration for a considerable period of time, and was the result of much special examination with direct reference thereto, and had also been the subject of many reports to this Office by its agents in different sections of the country.

This Office moved slowly in the matter, because of its desire not to allow its earnest wish for economical administration to cripple in any degree the efficiency of the service, or render the enforcement of the internal-revenue laws less thorough and uniform throughout the Union.

There are many circumstances incident to the collection of the revenue in each district that should be fully considered before a decision of the question whether that district could be judiciously consolidated with other districts without detriment to the service.

This Office from the very nature of things is practically familiar with all such considerations, and by reason of its experience in dealing with such questions and its practical knowledge of the necessities of the service in each district, as well as of the persons upon whom will probably devolve the duty of collecting the revenue in the territory covered by the districts proposed to be consolidated, should be better qualified than any other branch of the Government to advise judiciously and intelligently concerning what consolidations, if any, should be made.

The consolidations made as above stated, and which took effect on various dates from December 10, 1875, to February 1, 1876, were as numerous as this Office felt warranted in recommending. It was deemed better to wait and see how these recent consolidations were going to work, and to make further consolidations as fast as experience and other circumstances should render them advisable.

This Office was met by your committee with a proposition to make a reduction in the number of districts from one hundred and sixty-six, the present number, to one hundred and five, thus abolishing sixty-one districts. It has given to this proposition that degree of attention which its importance demands, has looked at the question from every stand-point from which it can be intelligently considered, and its conclusion is that the reduction proposed is not feasible or advisable, and that if made cannot but seriously impair the efficiency of the service. The amount collected in a district is simply one and not the only test as to the amount which should be allowed for collecting. It is easier to collect $1,000 in some districts than to collect $500 in others. This difference arises, first, from the nature of the districts, some being large, thinly settled, and with limited means of communication, and others compact, well settled, and with ample means of traveling.

Secondly, because of the nature of the collections. In some districts the collections are made from banks, tobacco, spirits, or beer manufacturers located near each other, and easily reached and watched. In other districts they are located far apart and require a larger number of officers, deputies, and clerks to look after them.

This difference in the relative cost of different districts is shown by the fact that, although the entire cost of collecting internal revenue is less than 5 per cent. on the amount collected, yet, such is the difference in the expenses of different districts, that the percentage of cost in the several districts varies from less than 1½ per cent. to in one instance 61 per cent., and the officers in the district last referred to are not as well compensated for their time and work as in the districts where the expense is at the lowest percentage of cost. Hence the size of the district, its location, the number and relative location of its manufacturers, are all matters to be considered before action toward consolidating it with another one is taken.

Another consideration which has weight with this Office is that anything which tends to cause delay in the filing here of the accounts of collectors or which tends to lengthen the time before acts of collectors or their deputies are passed upon by this Office tends to weaken its control over them and to reduce its chances of promptly detecting defalcations and its ability of taking prompt steps to protect the interests of the United States as well as of the tax-payers. This is so because an increase in the area of the territory in the district of a collector increases the time required to obtain the reports from his deputies which are necessary to enable him to make to this Office his reports for the entire district. The check of the collector on his deputies is thus seriously diminished and the liability to loss through them much increased. This delay makes the reports of the collector later in arriving at the Department, and gives him, if so disposed, more time in which to conceal his misdoings or in which to escape arrest and punishment if necessary.

As the result is thus seen to be to diminish the rigor of the check of this Office upon collectors, and also that of the latter upon deputy collectors, it is easy to see how much harm can be done by uniting districts which are by reason of the nature of the taxes collected therein and the location of tax-payers, unadapted to consolidation, and which are not so connected by lines of travel as to reduce to the minimum the difficulties of communication and of control from the collector's office.

With the view, however, of reducing expenditure as far as can be safely ventured, this Office has carefully re-examined the entire field and has concluded to attempt to enforce the laws upon the basis of an organization of the country into one hundred and twenty-nine districts. A copy of the proposed plan, setting forth the districts to be united is sent herewith. This plan is, however, submitted in a sense under protest, as a concession to the demand for consolidation, and not because of the belief that it will not to some extent impair the efficiency of the service, the districts named in the plan submitted being simply those in which there will be the least damage to the service from further consolidation.

In this connection it is deemed proper to state that it will not be prudent to appropriate the exact amount which the allowances to the proposed new districts will aggregate. During the year covered by the appropriation emergencies will almost certainly occur against which no foresight can provide, calling for material increase of supervision in many localities, and which it is vital for the public interest should not be withheld. (Such cases, for instance, as the shifting of large masses of population into the Black Hills country or into the San Juan country in Colorado.) Sixty-four thousand five hundred dollars ($500 per district) are not deemed too large a sum for such a purpose, remembering always that to appropriate the money is not to expend it, but is simply enabling this Office to have the money available in case the public interest requires that it shall be used.

As respects the reduction of 10 per cent. in the salaries of collectors and of their deputies and clerks, this Office would state that the salaries of collectors are generally fixed in accordance with the table printed on page 23 of the report of the Commissioner of Internal Revenue for the fiscal year 1875, and are deemed no more than an adequate compensation for the labor, responsibilities, and risks assumed by them, particularly when it is considered that the territory of which they will hereafter have charge and which they will have, to a greater or less extent, frequently to visit at their own expense is in many cases to be so much enlarged.

The objection to reduction has still greater force in the case of "those deputy collectors who are employed for the purpose and required to be constantly engaged in canvassing their divisions, and who pay their traveling expenses from the salaries they receive, without re-imbursement by the collector or the United States.

These expenses are so considerable as to reduce the nominal salaries of traveling deputies, whose salary is $1,500 to $1,200, and in many cases where the divisions are large, traveling expenses and the work faithfully done, to $1,000 per annum.

It is not deemed right to reduce the pay of this class of employés, as the result will almost surely be to deprive the Government of the services of the best of them and to have their places filled by men who will not feel impelled to further reduce their compensation by traveling on official business one mile more than they can possibly help. The result will be a diminution in the revenue which will far exceed any nominal saving thus made in the appropriation bill.

To conclude, this Office, as the result of its examination of the whole subject, requests that the sum of $1,913,933 be appropriated for "salaries and expenses of collectors of internal revenue" for the fiscal year 1877, that being the least amount (on the basis of one hundred and twenty-nine districts) for which that branch of the internal-revenue service can be efficiently and thoroughly administered.

Respectfully,

D. D. PRATT,
Commissioner.

Hon. S. J. RANDALL,
Chairman Appropriation Committee,
House of Representatives, Washington, D. C.

I certify that the above is a true copy of original letter, press copy of which is on file in this Office.

D. D. PRATT,
Commissioner Internal Revenue.

The next estimate for appropriation on account of internal revenue is for salaries, expenses, and fees of supervisors, agents, surveyors, gaugers, store-keepers, and miscellaneous expenses, $2,300,000. The bill proposes for this purpose $1,450,000. These estimates can be reduced $50,000 on account of the reduction proposed in the bill for the pay of gaugers. It can be reduced $139,000 more on account of the abolishment of the office of supervisor, which the Commissioner agrees to, but only on condition that he is supplied with an increased force of special agents. A difference may be made of $200,000 by the change of gauging, as recommended by the Commissioner; so that a total of about $350,000 may be properly reduced from the sum recommended by the Department—$2,300,000. But the Department says, and it is my own judgment after careful investigation, that it is utterly impossible, utterly unsafe, and will jeopardize to a great degree the collection of revenue if we make the reduction as proposed by this bill. The committee will testify with me to the generous manner in which it was met by Mr. Pratt and his subordinates. They met us in a spirit of economy and reform in every respect. They proposed of themselves every possible reduction that could be made consistent with the safe working of that Department. They agreed to a 20 per cent. reduction of their force. But instead of that, we make it 25 per cent. They say to us that they cannot possibly run that Department successfully on the force that we propose to give them, and I propose to take their word.

Now, take the Interior Department, if you please. What is amazing to me in the examination of this Department is to find that the salaries, generally speaking, in the Interior Department have not been increased in the last fifteen years. There are surrounding the Secretary of the Interior eight clerks who to-day are receiving $2,000 a year each. They are to that Secretary what the chiefs of divisions in the Office of the Secretary of the Treasury are to him. They are

his eyes and his ears and his judgment. To the Secretary of the Interior is referred more labor than fifty men have the physical capacity to perform, and he must rely upon his chiefs of divisions for advice and counsel. One of these chiefs is disbursing officer, and disburses $4,000,000 annually. He gives a bond of $80,000 and supervises the appropriations for the entire Department, drawing his warrants therefor. And yet he receives but $2,000 to-day, and we propose by this bill to reduce his salary 10 per cent. I say for this Department what I said for the Secretary of the Treasury: I would increase rather than diminish the salaries of these important chiefs about that Secretary. There is no business interest in this country that employs the talent possessed by these clerks for the sum that is paid them.

Take the Commissioner of the Land Office. We reduce his force about 20 per cent.; and yet there is a law upon your statute-books to-day compelling him to make an index of the records there; and I want to say to this House, what may be a surprise to them: there is no index in that Office, and cannot be, for the reason that Congress has never yet made a sufficient appropriation to make it.

[Here the hammer fell.]

Mr. HOLMAN. I trust there will be no objection to the extension of the time of the gentleman from Ohio.

The CHAIRMAN. If there be no objection, the gentleman's time will be extended. For how long?

Mr. FOSTER. Only for five or ten minutes.

There was no objection, and Mr. FOSTER's time was extended.

Mr. FOSTER. This Office to-day has not not even a deputy commissioner, and yet it is a court, so to speak, adjudicating upon more value than the Supreme Court of the United States. Yet we take that Department where the force ought to be increased, and we reduce it 20 per cent., reducing the salaries also of the chief officers in that Department.

The percentage of high-grade clerks in this Office is much less than any other Bureau of the Government, being but 1½ per cent., while all the rest run much higher.

I hold in my hand a letter from the Commissioner of the General Land Office protesting against the reduction in his Office, which I will incorporate in my remarks.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 14, 1876.

SIR: Referring to that portion of bill H R. No. 2571, pages 52 and 53, making appropriations for the service of this Office, I desire to call your attention to the following points:

This bill fails to contain the proviso of similar bills of previous sessions vesting in the Secretary of the Interior a discretionary power by which this Office was supplied with "copyists" (see United States Statutes at Large, volume 18, page 364) in the following language: "Provided that the Secretary of the Interior, at his discretion, shall be, and he is hereby, authorized to use any portion of said appropriation for piece-work, or by the day, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of $1,200 per annum;" and also fails to provide specifically for that class of clerks.

Consequently, under the provisions of bill 2571 as it now stands, this Office will at the end of the current fiscal year be deprived of its entire corps of copyists. The result must necessarily be an entire suspension of one class of work and the serious obstruction of several other classes.

The public at large has been notified by my official report, (1875, page 21,) and to a still greater extent by the widespread announcement of the newspaper press, reported from time to time during the past six months, that this Office was engaged in collating the patents remaining on file here and at the several local offices with a view to the delivery of the same to the present holders of the lands.

The sum of this class of patents will comprise from one to two millions, of which there are some 30,000 cases in the State of Ohio; 60,000 cases in Indiana, and 120,000 to 150,000 cases in Illinois, with still larger numbers in Iowa, Missouri, California, &c.

The land-owners in these States, stimulated by the pre-announcement of the purpose of this Office, are aroused to a natural sense of the importance of securing these foundation titles to their possessions, and the correspondence of the Office abundantly shows that they are impatiently awaiting the completion and publication of the lists.

At the present rate of progress in the work I shall be ready to deliver the patents for the States of Ohio, Indiana, and Illinois within six or seven months. Deprived of my corps of copyists, my ability to complete or even continue the work after June 30 next will cease entirely.

The proposed reduction of this particular class of employés will also still further postpone the performance of a labor imposed upon this Office by a law which has stood upon the statute-books for forty years, namely, the indexing of the records of patents, now comprising three millions and a half. This labor is required by the act of July 4, 1836; but through insufficiency of clerical force it has never yet been even commenced.

In view of these facts, I have the honor to recommend that line 1265 of bill H. R. 2571 be amended by substituting "ninety-six" for "eighty;" and that the proviso hereinbefore recited (pages 1 and 2 of this letter) be added to line 1270.

Upon the matter of the proposed allowance of salary for one draughtsman and one assistant draughtsman under the pending bill, I beg to state that the sum of $1,400, fixed as the salary of the draughtsman for the ensuing fiscal year, is not sufficient to retain in the service of the Government a person competent to discharge the duties of that place. Not only should the principal draughtsman be conversant fully and thoroughly with the details, practical and theoretical, of the general surveying system of the United States and with the large body of laws controlling the same, but he should be competent as well to test the accuracy of the work and supervise the intricate computations which have to do with the surveys astronomically made of the boundary-lines which from time to time are established under authority of law, and which for all future time are to separate the jurisdictions of the Territories of the United States and of the States hereafter to be created therefrom. In other words, every motive of public economy, safety, and accuracy requires that the principal draughtsman of this Office should be a man of the highest scientific attainments in his profession. Such a man, I repeat, cannot be obtained at the salary proposed to be paid.

In my opinion a salary of not less than $2,000 per annum ought to be appropriated for the principal draughtsman, and an assistant draughtsman ought to receive not less than a salary of $1,400.

I deem it my duty to further call your attention to the following special matters:

In the appropriation for the current fiscal year provision is made for one clerk at a salary of $2,000 per annum. In the pending bill this is entirely omitted. I presume it to have been an inadvertence, as this was not a new office created by the appropriation bill for the current year; on the contrary, a clerk at that salary had long been provided for by law, although under a different designation.

By reference to the accompanying table it will be perceived that the percentage of clerks allowed this Office at a salary of $1,800 and more, under the pending bill, is smaller than appears to be allowed, with possibly one exception, to any other Bureau in any of the Departments of the Government. I do not hesitate to say in this connection that, while this is the fact, the requirements of this Office are such as should entitle it to a clerical force of as high a grade as that of any other Bureau.

I am, sir, very respectfully, your obedient servant,

S. S. BURDETT,
Commissioner.

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives.

Comparative statement of percentage of high-grade clerks in the Departments and Bureaus.

Department.	Bureau.	$3,500	$3,200	$3,000	$2,700	$2,600	$2,500	$2,400	$2,300	$2,250	$2,200	$2,100	$2,000	$1,800	$1,620	$1,600	$1,450	$1,440	$1,300	$1,260	$1,200	Over $1800.
																						Pr. ct.
State			2							1		4				10	4				8	24
Treasury							10							6		30	26		19		18	15
Do	Secretary's office									2			1	2		1	2				1	55
Do	Supervising Architect					1								4		4	10		6		4	17
Do	1st Compt					1								4		4	10		10		6	14
Do	2d Compt									1				2			3		6		6	17
Do	Customs									1				2		4	6		8		12	9
Do	1st Auditor									1				3		4	25		40		25	4
Do	2d Auditor									1				3		4	15		45		25	4
Do	3d Auditor									1				2		1	12		8		8	9
Do	4th Auditor									1						2	5		4		6	6
Do	5th Auditor									1				9		4	50		64		36	6
Do	6th Auditor									1	2	1	7			22	17		14		51	14
Do	Treasurer	2	1	1			1		1	1				4		4	8		2		4	22
Do	Register									1			2			6	10		8		8	9
Do	Comptroller									7				1		20	30		40		20	8
Do	Int. Rev		1							1						2	2		1		1	14
Do	Light-House									1				1		3	4		6		4	10
Do	Statistics									1			1								5	30
Do	Eng. and Printing																					
War										1				3		5	4		4		12	14
Do	A. G. O													1		10	15		30		110	
Do	Q. M. G													1		6	8		24		40	
Do	C. G. S													1		1	3		4		10	5
Do	Surg. Gen													1		7	4		6		100	
Do	Ordnance													1		3	2		2		6	7
Do	P. M. Gen													1		5	6		12		10	3
Do	Engineers													1		4	3		3		3	7
Navy										1				9		10	9		10		6	22
Interior										1				8			5		5		5	37
Do	Land Office													2		8	22		40		81	1½
Do	Pension									1						20	42		64		100	
Do	Patent				4					27				1	24	4	5	24	20	23	38	19
Do	Education													1		2	1		1			20
Post-Office			3		3					4		1		4	1	17	61		48		63	7
Agriculture														5		7	4		5		14	14
Justice													1	3		5						40

The only offices graded as low as the General Land Office are the Adjutant-General's, Quartermaster-General's, Surgeon-General's, and Pension Offices.

We take the Commissioner of Pensions, who receives to-day $3,000 a year, and reduce his pay to $2,700. I suppose I am telling no secret when I say that the present Commissioner of Pensions has tendered his resignation, refusing to remain in that office even at the three-thousand-dollar salary; and yet we propose to reduce the salary of this important officer, who has the charge of payments to the soldiers of this country of twenty-nine and a half millions of dollars—we propose to reduce his pay $300.

While I have taken up some Departments of the Government and some of the Bureau officers, it would be nothing more than fair for me to make a statement as to the number of employés that are proposed for this House.

The present force of the Clerk's office is sixty-one; this bill proposes to reduce it to thirty-nine, a reduction of 36 per cent. While this bill takes twenty-two men out of the Clerk's office of the House, it only takes four men out of the Clerk's office of the Senate. The Clerk of the House is charged with the execution of various duties which in the Senate are performed by the Sergeant-at-Arms; for example, the heating and ventilating department, the Clerk's document room, the telegraph operator and messenger, which in the House are placed under the direction and control of the Clerk, are all in the Senate placed under the direction and control of the Sergeant-at-Arms. If the number of men performing these duties, which in the Senate are performed by persons on the roll of the Sergeant-at-Arms, be deducted from the Clerk's force, it leaves the Clerk of the House, composed of three hundred and two members, a force of thirty-one, while it gives the Secretary of the Senate, composed of only ninety-four members, a force of twenty-six for the performance of similar duties for that body, or a difference of only five men in the Clerk's office of the two bodies, the one composed of three hundred and two members and the other composed of only seventy-four members. Of course the larger the body the greater the wants of its members and the greater the force necessary to perform the duties of any office. If any proof were necessary on this point we have only to compare the amount of business done in the House in any given Congress with that done in the Senate. Take the Forty-third Congress for example.

Bills introduced in the House	5,035
Bills introduced in the Senate	1,382
Excess of bills introduced in House	3,671
Bills and joint resolutions passed by House	1,025
Bills and joint resolutions passed by Senate	322
Excess passed by House	703

The Journal of the House for the same Congress is three times as large as the Journal of the Senate.

But again. In the Thirty-eighth Congress the force in the Clerk's office was fifty. The House had one hundred and ninety-six members, while the present House has three hundred and two members. The business and labor of the Clerk's office have increased in a much larger proportion than this increase in membership.

For example, take the number of bills and joint resolutions introduced then and now:

In the Thirty-eighth Congress	995
In the Forty-third Congress	5,053

Take the petitions and memorials introduced then and now. In the Thirty-eighth Congress those introduced filled in the file-clerk's room twenty-five boxes; those introduced in the Forty-third Congress filled two hundred and thirty-eight boxes.

Take the Journal of the House then and now. The Journal of the first session of the Thirty-eighth Congress has 1163 pages; of the Forty-third Congress has 1766 pages. And so in every branch and desk of the Clerk's office has the labor of the office increased correspondingly.

Yet, notwithstanding this large increase in the business and labor of the office, it is now proposed by this bill to give the Clerk of the House composed of three hundred and two members a force of thirty-nine, while the force required for the Thirty-eighth Congress composed of only one hundred and ninety-six members was fifty.

The table which I hold in my hand showing the reductions in the Clerk's office will be printed with my remarks.

Table showing reduction in Clerk's office.

Clerk's office—Present and proposed force.	Present annual salary.	Proposed salary.	Reduction in dollars.	Percentage of reduction.
Green Adams, Chief Clerk	$3,600 00	$2,250	$1,350 00	37.5
John Bailey, disbursing clerk	2,592 00	2,000	592 00	22.8
Elijah T. Keightley, assistant to Chief Clerk	2,160 00	1,800	360 00	16.6
John H. Patterson, chief messenger	2,102 40	.....	2,102 40	.....
Charles S. Vorhees, messenger	1,440 00	1,200	240 00	16⅔
Charles H. Smith, journal clerk	3,600 00	2,250	1,350 00	37.5
Daniel Flanagan, assistant journal clerk	3,000 00	.....	3,000 00	.....
Neill S. Brown, reading clerk	3,000 00	2,250	750 00	25
Thomas S Pettit, reading clerk	3,000 00	2,250	750 00	25
Henry H. Smith, tally clerk	3,000 00	2,250	750 00	25
Ferris Finch, file clerk	2,592 00	2,000	592 00	22.8
T. O. Towles, printing and bill clerk	2,592 00	2,000	592 00	22.8

Table showing reduction in Clerk's office—Continued.

Clerk's office—Present and proposed force.	Present annual salary.	Proposed salary.	Reduction in dollars.	Percentage of reduction.
Isaac Strohm, enrolling clerk	$2,592 00	$2,000	$592 00	22.8
Thomas B. Dalton, assistant enrolling clerk	2,160 00	1,800	360 00	16.6
Theodore F. King, assistant enrolling clerk	2,160 00	.....	2,160 00	.....
Joseph H. Francis, resolutions and petitions	2,160 00	1,800	360 00	16.6
Henry M. Beadle, distributing bills to committees	1,800 00	.....	1,800 00	.....
Thomas M. Baker, newspaper clerk	2,160 00	1,800	360 00	16.6
John P. Jeffries, assistant clerk	1,800 00	.....	1,800 00	.....
Joseph M. Brown, stationery clerk	2,160 00	1,500	660 00	30.5
John F. Ancona, book-keeper	1,800 00	1,200	600 00	33⅓
Fontaine W. Mahood, folder	1,440 00	1,200	240 00	16.6
John C. Barr, index clerk	2,520 00	1,800	720 00	20
Edwin L. Jewell, assistant index clerk	1,800 00	.....	1,800 00	.....
Morgan Rawls, superintendent document-room	1,800 00	1,800	.....	.....
Arthur L. Thomas, folder	1,440 00	1,200	240 00	16.6
P. H. Winston, folder	1,440 00	1,200	240 00	16.6
David C. Gowdey, folder	1,440 00	.....	1,440 00	.....
William H. Wiggins, folder	1,440 00	.....	1,440 00	.....
John D. Young, librarian	2,160 00	1,800	360 00	16⅔
William O. Reeves, assistant librarian	2,160 00	.....	2,160 00	.....
Washington M. Hardy, folder	1,440 00	1,440	.....	.....
William H. Smith, messenger	1,440 00	1,440	.....	.....
Jacob R. Rightsell, folder	1,440 00	.....	1,440 00	.....
Edward W. Jones, page at Clerk's desk	*2 50	.....	.....	.....
James A. Dawson, folder	1,440 00	.....	1,440 00	.....
Henry A. Alcott, messenger	1,440 00	.....	1,440 00	.....
Frank Lamar, folder	1,314 00	.....	1,314 00	.....
George M. Chapman, folder	1,440 00	.....	1,440 00	.....
George W. Parvis, folder	1,440 00	.....	1,440 00	.....
Joseph Reese, upholsterer	1,440 00	1,440	.....	.....
J. W. Carr, clockman	300 00	.....	300 00	.....
J. F. Knapp, telegrapher	†100 00	.....	.....	.....
Edward F. Riggs, telegraph messenger	*2 50	.....	.....	.....
William P. Russell, laborer	820 00	820	.....	.....
Franklin Temple, laborer	720 00	720	.....	.....
Robert Richardson, laborer	720 00	720	.....	.....
William R. Grubb, laborer	720 00	720	.....	.....
Nathan M. Lathim, laborer	720 00	.....	720 00	.....
Sandy Bruce, laborer	720 00	.....	720 00	.....
Elias Polk, laborer	720 00	.....	720 00	.....
George C. Ellison, engineer	1,800 00	1,800	.....	.....
Levi Jones, assistant engineer	1,440 00	1,200	240 00	16.6
C. A. Stewart, assistant engineer	1,440 00	1,200	240 00	16.6
David Small, assistant engineer	1,440 00	.....	1,440 00	.....
Eppa Norris, fireman	1,095 00	900	195 00	17.8
P. M. Higgins, fireman	1,095 00	900	195 00	17.8
Simeon J. Davenport, fireman	1,095 00	900	195 00	17.8
Henry C. Bolland, fireman	1,095 00	900	195 00	17.8
Lawrence J. Riley, fireman	1,095 00	.....	1,095 00	.....
Thomas McKay, fireman	1,095 00	.....	1,095 00	.....
Total	100,074 40	54,450	45,624 40	22

* Per day during session. † Per month during session.

Force of clerks now, 61; force under proposed bill, 39.
Average reduction of salaries, 21 per cent.
Reduction of force, 36 per cent.
Reduction of expenses, 45 per cent.

Now, Mr. Chairman, after a great deal of investigation of this subject, I give it as my opinion that a reduction of 20 per cent. of the number of employés can be made if judiciously done. I stand upon that. But I do not believe that upon the reduction as made by the bill it will be possible to run these Departments successfully.

Mr. TOWNSEND, of Pennsylvania. I desire to ask the gentleman a question if he will permit me.

Mr. FOSTER. Certainly.

Mr. TOWNSEND, of Pennsylvania. I would like to know from the gentleman what is the reason that the clerk of the Committee of Ways and Means, the most important committee in the House, is put down to $2,250, while the salary of the clerk of the Committee on Appropriations is put at $2,400.

Mr. FOSTER. I would prefer that the gentleman should ask that question of my friend the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HOLMAN. And I would like my friend from Ohio to answer the question thus: That the clerk, as is well known to every gentleman in the House, including the gentleman from Pennsylvania, the clerk upon whom devolves the most laborious duties in this House, requiring the largest range of experience of all the clerks of the House, is the clerk of the Committee on Appropriations; and that for that reason, and that only, this discrimination was made.

Mr. TOWNSEND, of Pennsylvania. I always understood that the Committee on Ways and Means was the most important committee of the House and has heretofore been, and if the tariff bill comes up, as it is likely to do, the clerk of that committee will have more duties to perform than the clerk of the Committee on Appropriations.

Mr. HOLMAN. I trust my friend will allow me to say here that on any one of the great appropriation bills of the House, any one of them, the amount of labor required to be performed, the range of intelligent information required to be possessed by the clerk, is to a much greater extent than is required by the clerk of the Committee

of Ways and Means in reference to the measures that generally come up before that committee.

Mr. TOWNSEND, of Pennsylvania. It did not use to be so.

Mr. HOLMAN. It certainly is so now and has been so for several years.

Mr. TOWNSEND, of Pennsylvania. I observe that the salary of the deputy first comptroller is cut down only 7 per cent., while the deputy comptroller of the currency is cut down 25 per cent. I would like the gentleman from Ohio to tell me the reason for that.

Mr. FOSTER. Well, I can hardly answer the gentleman from Pennsylvania. I know that the deputy first comptroller is reduced only 7½ per cent. and that the deputy comptroller of the currency is reduced 25 per cent.

Mr. TOWNSEND, of Pennsylvania. I would ask the gentleman from Indiana [Mr. HOLMAN] to answer the question.

Mr. HOLMAN. What is the question? Will the gentleman repeat it?

Mr. TOWNSEND, of Pennsylvania. What is the reason that the deputy first comptroller is only reduced $200, or 7½ per cent., while the Comptroller of the Currency, who has to render large security, is reduced from $3,000 to $2,250, or 25 per cent.? I desire to know the reason or principle which induced the committee to make that distinction between the two deputy comptrollers.

Mr. HOLMAN. I will try to state the principle on which it was done. The gentleman from Pennsylvania will not state that the relative salaries, the relation of those salaries, is not reasonable as they stand now. If the gentleman assumes, as was stated by the gentleman from Ohio, [Mr. FOSTER,] that this reduction of salaries has been upon a given per cent., a uniform one, then the question put by the gentleman from Pennsylvania is a very proper one; but that was only a very general rule and there are multitudes of exceptions to it in the bill. My friend will observe that those exceptions grow out of the results of our legislation from year to year on the subject of salaries partly, resulting from the running up of a given salary in an appropriation bill. In this manner these inequalities have increased from year to year; so that if the gentleman asks me why one salary is reduced only 7½ per cent. and another is reduced 25 per cent., I will simply say that the reduction was made for the purpose of getting some reasonable harmony in salaries. My friend will not say that the salaries of these Comptrollers are disproportioned at all.

Mr. FOSTER. Allow me to say that the salary of the deputy first comptroller was raised last year while that of the deputy comptroller of the currency had stood I think at $2,500 for a number of years. We only reduced it 7½ per cent., and that may be right; I do not know about it.

Mr. HOLMAN. If the gentleman sets out with the proposition that salaries are all to be reduced on a dead level and a given per cent., then he would find inequalities all through this bill. If he inquires whether salaries are reasonable in themselves or bear proper relation to one another, then I am willing to answer his questions.

Mr. TOWNSEND, of Pennsylvania. I am trying to find out the principle on which the committee acted.

Mr. HOLMAN. The principle has been to fix reasonable salaries. You would be certain to make unreasonable salaries if you reduce them by a given per cent., because inequalities exist through the action of Congress in increasing particular salaries on appropriation bills. Why, only last year the salaries of a whole group of officers were thrown up beyond the proper proportion as regards their salaries.

Mr. FOSTER. That is all very well; but the chairman of the committee told the House that we had adopted an invariable rule.

Mr. HOLMAN. O! my friend from Ohio certainly misquotes the chairman of the committee.

Mr. FOSTER. O! no; I had it read only a few minutes ago.

Mr. HOLMAN. That was only a general principle.

Mr. FOSTER. The general principle in making the bill was a run and a jump, in my judgment.

Mr. HOLMAN. My friend had as much to do with it as any other gentleman of the committee, and has generally concurred in the principles of the bill.

Mr. FOSTER. O, no!

Mr. TOWNSEND, of Pennsylvania. I desire to inquire from the gentleman from Indiana whether the deputy first comptroller gives any security for the performance of his duties.

Mr. HOLMAN. I think not; I believe the law does not require him to do so.

Mr. TOWNSEND, of Pennsylvania. Did I not understand the gentleman from Ohio [Mr. FOSTER] to say that the Comptroller of the Currency has to give $50,000 security?

Mr. FOSTER. I believe so.

Mr. TOWNSEND, of Pennsylvania. Then the salary of the deputy first comptroller is reduced from $2,800 to $2,600, giving no security, and the deputy comptroller of the currency from $3,000 to $2,250, and has to give $25,000 security.

I desire to ask another question from the gentleman from Indiana, and it is whether or not the first deputy comptroller, whose salary is only reduced $200, is a democrat?

Mr. HOLMAN. The first deputy comptroller?

Mr. TOWNSEND, of Pennsylvania. Yes.

Mr. HOLMAN. I really do not know what gentleman holds the office, and I should not regard it a very elevated view of questions of salary to determine them upon the politics of the gentleman who may happen to hold the office.

Mr. TOWNSEND, of Pennsylvania. I agree to that.

Mr. HOLMAN. I have not gone into that detail.

Mr. FOSTER. Now I want to call attention to one other item in this bill; that is, the appropriations for public buildings and grounds in this District. It will be seen that by this bill very small appropriations are made for this purpose. I want to enter my protest against the action of the Committee on Appropriations in this particular. It throws out of employment——

Mr. HOLMAN. Will my friend allow me a moment?

Mr. FOSTER. Let me finish this sentence. It throws out of employment a very large number of laboring people, and it will prevent the maintenance of the present beautiful squares and plots of ground in this city. I do not know what the purpose of my friend from Indiana, [Mr. HOLMAN,] or of the chairman of the committee, [Mr. RANDALL,] or of the committee itself is in this reduction. But if they want to extend their economy in this direction, they might rent these plots of ground for cow-pastures, and thus increase the revenues of the Government.

Mr. HOLMAN. I trust the gentleman from Pennsylvania, [Mr. TOWNSEND,] who has asked so extraordinary a question, almost equal to that asked by Mrs. Toby of her husband on a very interesting occasion——

Mr. FOSTER. Let me finish my speech.

Mr. HOLMAN. Just a moment. By this bill the salary of the first Comptroller of the Treasury is $4,500, and of the deputy first comptroller $2,600; the salary of the Second Comptroller is $4,500, and of the deputy second comptroller is $2,600. Now, which of these deputy comptrollers, each receiving the same salary, does my friend think has been discriminated for or against because he is a democrat?

Mr. TOWNSEND, of Pennsylvania. I was inquiring concerning the deputy first comptroller.

Mr. HOLMAN. His salary is fixed by this bill at $2,600.

Mr. TOWNSEND, of Pennsylvania. Yes.

Mr. HOLMAN. And the salary of the deputy second comptroller is fixed at $2,600.

Mr. TOWNSEND, of Pennsylvania. Yes.

Mr. HOLMAN. Concerning the politics of which one does the gentleman inquire?

Mr. TOWNSEND, of Pennsylvania. I would like to know the politics of both.

Mr. HOLMAN. The gentleman knows very well that it is the custom of this Administration to retain many officers, such as deputy comptrollers, who differ in opinion with the Administration?

Mr. TOWNSEND, of Pennsylvania. I think, if my friend will inquire to-morrow of the chairman of the Committee on Appropriations, he will learn that the deputy first comptroller is a democrat.

Mr. HOLMAN. And the deputy second comptroller also?

Mr. TOWNSEND, of Pennsylvania. I do not know.

Mr. HOLMAN. What is the opinion of my friend on that point?

Mr. TOWNSEND, of Pennsylvania. I have no opinion, for I do not know.

Mr. HOLMAN. My friend must see that the two deputy comptrollers receive by this bill exactly the same salary, $2,600, and the two Comptrollers receive $4,500 each. The salary of the two deputy comptrollers is reduced $200 each and of the two Comptrollers $500 each. Does my friend see in that any evidence of discrimination in favor of or against any man on account of his politics?

Mr. FOSTER. I cannot yield further. I have but this additional to say: Following the safe precedents established by the republican party, I repeat that the minority place themselves squarely in the line of retrenchment and reform, and will deliberate on the bill before us in a strictly non-partisan manner, regarding the questions presented simply as business propositions to be determined upon business principles.

The CHAIRMAN. The gentleman from North Carolina [Mr. SCALES] is entitled to the floor.

Mr. HOLMAN. I ask the gentleman to yield to me for a few minutes.

Mr. SCALES. Certainly, I will do so.

Mr. HOLMAN. While the general temper of the speech of the gentleman from Ohio, [Mr. FOSTER,] who is a member of the Committee on Appropriations, is reasonable and fair, there seems to me to be an unreasonable disposition on his part to create an impression against this bill, such as I think a member of the committee that reported it should not seek to create. Indeed the remarks of the gentleman from Ohio sounded to me very much like the remarkable suggestion of the gentleman from Pennsylvania, [Mr. TOWNSEND,] that this bill is in some degree, in some of its features, an outgrowth not of the public interest, but of a desire to promote partisan interests.

Now, what can be more unjust than to raise a question of a political character in regard to one of these deputy comptrollers, admitting that one of them is a democrat and the other a republican, when the fact is apparent to every member on this floor that their salaries are fixed at exactly the same sum, $2,600 each? Now, if the object of calling attention to this is to induce gentlemen on that side of the House to oppose this attempt to reduce the expenditures of the Government, we will have to accept it in the spirit in which it is made. But I really trust that the action of this House on this bill, the first impor-

tant appropriation bill of this session which seeks to reduce expenditures, will not be approached by gentlemen upon the republican side of the House in the spirit thus indicated.

And I would say further, and I say it with great pleasure, that the members of the minority of the Committee on Appropriations have not exhibited any desire to throw obstacles in the way of a reasonable retrenchment of the expenditures of the Government. And some of the members of that committee, representing the minority of this House, have gone to the full length with the majority in their desire to reduce the expenditures of this Government to the extent that they are affected by the provisions of this bill.

When the gentleman from Ohio [Mr. FOSTER] seeks to impress upon this House the fact that the reduction of salaries proposed by this bill is made upon a positive scale of reduction, by a given percentage, and then predicates an argument against the bill that in some instances the reduction is more than that percentage and in some instances it is less, he does himself great injustice.

It is injustice to members of that committee, all of them; for the gentleman from Ohio well knows that while the general proposition was that the salaries should be reduced 10 per cent. and the force of employés 20 per cent., it was impossible in the nature of things to adhere to any such unvarying rule. In many instances salaries are reduced much more than 10 per cent. and the force of employés much more than 20 per cent., depending on the judgment the committee was able to form as to what was necessary for the public service, and that alone.

But, sir, whatever view may be taken of this bill by this side of the House or by the other side of the House, one thing is true, and I call upon the gentleman from Ohio, who hears me make the statement, to say whether he cannot confirm it, that the Committee on Appropriations in framing this bill, one of the most complicated which will come before the House in the way of appropriations, had but one object in view, and that was simply to reduce the appropriations to what was necessary and proper to be made for each Department—only to the extent required by the public service and not beyond it. He will agree that with an eye single to that object alone the labors of the last two months have been employed by that committee. I think that I may say that neither personal nor partisan considerations have been displayed in the action of that committee on any one occasion. I will say further that I think there is not one reduction made by this bill in the proposed reduction of these millions when at least some members representing the minority of the committee and the minority of the House have not given the measure cordial and earnest support.

My friend shakes his head; and the gentleman from Pennsylvania, [Mr. TOWNSEND,] after raising the question as to whether, when you put two deputy comptrollers on exactly the same footing at salaries of $2,600 each, it does not tend to establish the proposition that some favoritism was shown in behalf of one department occupied by democrats, has not thought proper to notice other portions of the bill. The gentleman from Pennsylvania as well as my friend from Ohio should bear in mind that there is one branch of the Government, this House of Representatives, with its army of employés, which stands upon a somewhat different footing politically from the other departments of the Government. I should like to have the gentleman from Ohio rise up and answer the question whether the Committee on Appropriations in making appropriations for this House of Representatives, where its friends are involved, where their number and pay are involved, made any attempt to discriminate in their favor as compared with the reduction of salaries and number of employés in the other branches of the Government?

Mr. FOSTER. As the gentleman from Indiana well knows, I have already to-day in my speech made the statement that you have discriminated too much against this House, that you have reduced the number of its employés too much. The gentleman also well knows that the tenor of my speech favors reduction and that the action of the minority of the committee has been in favor of a general reduction of 20 per cent. My purpose was to call attention to discrepancies in the bill and to places where we could not go along with the committee, and particularly to show——

Mr. SCALES. I yielded the floor with the understanding that this was not to come out of my time.

Mr. HOLMAN. Certainly.

Mr. FOSTER. I wished to show particularly to that side of the House that, if the principle of reduction of clerk's salaries was to be maintained, as a matter of consistency it was the duty of the House to reduce the pay of members to $2,700 a year.

Mr. HOLMAN. I desire to be heard for a moment on that question. Now, to illustrate the principle upon which this bill is largely framed, I will take the two Comptrollers, the First and Second Comptrollers, and the deputy comptrollers of the Treasury Department. The salaries of the First and Second Comptrollers have been raised to $5,000 each. The deputy comptrollers were provided by an act of the last session of Congress with a salary of $2,800 each. It was thought proper to reduce the salary of the Comptrollers to $4,500 each. I think no gentleman will say that is an unreasonably low salary; on the contrary, most gentlemen will say that salary might be safely still further reduced. The deputy comptroller in the main is as important an officer as the Comptroller himself, and generally performs the larger portion of the service of his particular office. His salary is put at $2,600. I do not think that is unreasonable. The gentleman from Ohio cannot complain of that, nor will the gentleman from Pennsylvania who is so eager to make a point against the bill say those reductions are unreasonable.

They are important offices, I know; but what is the use of talking about a bond? There is no liability under that bond, if the officer brings integrity and reasonable vigilance to the performance of his duty. It seems to be the fixed policy on the part of the Government to relieve an officer from the embezzlement of his subordinate, and the giving of a bond cannot be urged as a reason for high salary, for the officer incurs no liability under it if he be an honest and competent man. Honesty, competency, vigilance, and good faith in the public service are all the qualities required.

My friend says that the committee have gone back prior to the fixing of salaries last year, and to a period so remote as 1865 and 1867, and have even gone back as far as the year 1853 to get the data upon which these salaries should be reduced.

Now, does not my friend know that those are exceptional cases only? For the salaries were disproportionately high for the importance of the offices, and have been from time to time reduced in the course of events. And does he not know another thing, that he cannot safely say that the salaries that were established in this Government prior to 1860 were reasonable salaries, not too high? I want the gentleman to say that they were too low or that they were just right. The gentleman objects to the reduction of salaries that existed under democratic administration. Does he say that all the salaries as they stood when his party came into power were fair and reasonable salaries, neither too high nor too low?

Mr. FOSTER. I made no criticism on that point at all. I presumed that they were not too high. But the gentleman says that these are exceptional cases. Does he not know that the salaries of the first, second, third, and fourth class clerks were fixed prior to 1860 by the democratic party, and that these are the clerks that run through all the Departments?

Mr. HOLMAN. And you say they are too high?

Mr. FOSTER. I did not make any such statement. I do not say either that they are too high or that they are too low. I merely made the statement to support my argument that if a reduction is made in these salaries as fixed in 1855 under democratic administration, when our salaries were $3,000, it would be fair that we should take a proportionate percentage off our own salaries. Does the gentleman favor that proposition?

Mr. HOLMAN. I understood the gentleman to say——

Mr. FOSTER. Will you answer my question? Do you favor that reduction?

Mr. HOLMAN. I am coming to that.

Mr. FOSTER. I should like an answer to that question.

Mr. HOLMAN. I shall not escape it or forget it. I understood the gentleman to say that he thought the salaries prior to 1860 were too high. Yet, although I have been here for a considerable number of years, I cannot remember when that side of the House denounced existing salaries as too high to be tolerated and demanded their reduction.

Mr. FOSTER. That was the gentleman's position then.

Mr. HOLMAN. I agreed fully with the gentleman; and I shall appeal to the record of eighteen years ago as a record of history on that very subject.

Mr. FOSTER. What was the position of the gentleman's party at that time?

Mr. HOLMAN. The gentleman opens a field for me now. [Laughter.] My party was exactly in the position of my friend's party now; exactly so. Not so earnest, not so resolute perhaps in insisting on high salaries, but at the same time inclined to apologize for the salaries as they stood. But I do not remember in that olden time to have heard any gentleman stand upon the floor of the House and deliberately vindicate high salaries as the true policy of a republican government. I do not remember of such an instance. No! No!

Mr. FOSTER. The only instance I can remember during my service in the House of any gentleman on either side advocating high salaries is that of the present chairman of this very Committee on Appropriations.

Mr. HOLMAN. He is absent now.

Mr. FOSTER. I mention that on account of his late conversion.

Mr. HOLMAN. The gentleman ought to remember that the chairman of the committee is not present in the House. The measure to which he refers was carried.

Mr. TOWNSEND, of Pennsylvania. Will my friend yield to me a moment?

Mr. HOLMAN. Certainly.

Mr. TOWNSEND, of Pennsylvania. I wish to refresh his recollection. He must remember when a distinguished gentleman of the democratic party sitting down there right at the corner beside where the gentleman is now speaking advocated $100,000 as the salary of the President of the United States and $10,000 as the salary of a member of Congress.

Mr. HOLMAN. I am surprised at the gentleman from Pennsylvania almost as much as at my friend from Ohio assailing men who are not now present.

Mr. FOSTER. I hope the gentleman does not consider that I am assailing any one.

Mr. HOLMAN. They are endeavoring to make points on gentlemen who are not here in the House. You came into power, as the whole country knows, upon the assumption that the democratic party prior to 1860 had become extravagant in the expenditures from the Treasury of this nation. You acquired power on the cry of retrenchment and reform.

Mr. FOSTER. O, no.

Mr. HOLMAN. That is the fact; and yet unhappily, when it is now attempted to make a reform in that respect, gentleman on the other side argue strenuously against it being done.

The salaries were too high prior to 1860, and yet there is scarcely a salary reduced by this bill below the salaries of 1860. These other salaries have grown up since that time under the ruling of the gentleman from Maine, [Mr. BLAINE,] who, I see, is honoring me with his attention, that he was compelled to construe the rule—and I never heard that construction before during fifteen years, but it had grown up and become the law of the House—that an amendment to an appropriation bill enlarging a salary was in order, but one reducing a salary—not reducing an appropriation, but reducing a salary—was not in order.

Mr. BLAINE. Does the gentleman from Indiana mean to say that that was a decision made by me?

Mr. HOLMAN. I say the gentleman from Maine was compelled to so rule.

Mr. BLAINE. Why was I compelled to rule so?

Mr. HOLMAN. Because it was the law of the House.

Mr. BLAINE. It was a democratic construction of the rule which had obtained for more than twenty years; it was *res adjudicata*.

Mr. HAMILTON, of New Jersey. Did the gentleman from Maine ever take any means to change the rule?

Mr. BLAINE. Did the gentleman from New Jersey ever do the same? [Laughter.]

Mr. HAMILTON, of New Jersey. It was for you to do it who had the control of the House.

Mr. HOLMAN. I do not think the gentleman from Maine should pretend to defend himself in that way.

Mr. BLAINE. I have nothing to defend.

Mr. HOLMAN. Will the gentleman hear me?

Mr. BLAINE. With pleasure.

Mr. HOLMAN. It does not comport with his usual fairness. During the whole of the last Congress he was a member of the Committee on Rules, and the same rule that we have adopted and were compelled to adopt in the interests of the Government, which enables you to reduce salaries on appropriation bills, was before the same committee of the last House. My friend knew the embarrassment occasioned by the existing rule, but he was compelled to rule against any other construction because it was contrary to the law of the House of Representatives. But the ground of complaint is that when this same rule was before his committee in the last Congress, by the adoption of which there might have been a great reduction of expenses, under a heavy burden of taxation which the people were bearing, it was important that the restriction should be placed. My friend did not think it proper to change the rule of the House which gives that power in an appropriation bill, the only effective bill that comes before Congress for the reduction of expenditures.

Mr. BLAINE. Allow me a moment?

Mr. HOLMAN. Certainly.

Mr. BLAINE. I said then, and I said in the committee-room this year, as the honorable gentleman who now occupies the chair, [Mr. COX,] as well as the Speaker of the House, will bear me out, that that rule to which the gentleman has adverted was in my judgment a bad rule, and the amendment was an equally bad rule; and I will tell you why.

Under the rule now you can get any subject under the canopy of heaven introduced into an appropriation bill if you only label it retrenchment, and the moment you get it in an appropriation bill with all the chances coming from what the Senate may put on and what conference committees may get into the bills in the closing hours of the session, I tell the gentleman he has involved everything in uncertainty. I tell the gentleman it is a Trojan horse he has got into the administration of the House, and he will live long enough to see that I am speaking the sober truth when I tell him that in correcting a small error he got into one much more grave and grievous.

Now, sir, while I am up, the gentleman from Indiana, who has called me into this debate, in which I had no purpose of participating, will allow me to make a little point upon the bill. The gentleman has referred to the fact of salaries being established by the democratic party before the republicans came into power. Well, sir, there was a series of salaries established at that time by various bills and measures, and among them by the measure of Mr. R. M. T. Hunter, whose bill established the salaries of the lower grades of clerks of the first, second, third, and fourth class. Now the gentleman proposes to take 10 per cent. off from those salaries.

At the time that limit of salaries was made for the clerks the democratic Congress fixed its own salary at $3,000.

Now, we have since then advanced our own salaries 60 per cent., and they stand to-day at $5,000 a year; whereas these poor clerks who work their finger-ends off have not had their salaries advanced a particle, not a dollar. Now you come in here and propose to mislead the country and praise yourself on account of submitting your own salaries to the same shaving and discounting that you put upon others. You take 10 per cent. off the salaries of members of Congress after they have been advanced 60 per cent., and then take 10 per cent. off the salaries of the poor clerks who have never had any advance. I want the gentleman to answer that point.

Mr. HOLMAN. I will try to do so.

Mr. BLAINE. One moment further.

Mr. HOLMAN. The gentleman has stated his point very well, and I will answer it.

Mr. BLAINE. Put your salaries as members of Congress, if you are sincere, back to the same grade that it was when the salaries of the clerks were established, and then put on your planing-machine of 10 per cent. and go before the country honestly.

Mr. HOLMAN. The gentleman has spoken very well, and I shall very fully agree with him on that subject.

Mr. BLAINE. Very well; I will support your motion if you will submit it.

Mr. HOLMAN. The gentleman cannot expect by this little speech, although it is a very good one, to prevent my recurring again to the other question. He says that the present rule will be found to be a grievous rule, a grievous mistake. Now let us see. The rule as administered by my friend for six long years, during all of which time he was chairman of the Committee on Rules, was this, that upon an appropriation bill you might increase a salary. And day by day, just as remorseless as the movements of time, measures were brought into this House to increase salaries. There is the ground of the inequalities of which the gentleman complains. When you apply the plane and reduce salaries 10 per cent. or 20 per cent., then the marvelous inequality of the old rule begins to make itself apparent. The salaries of your favorites grew up in monstrous proportions, while the salaries of others remained untouched. But according to the gentleman from Maine that was not a grievous rule which allowed unlimited raids upon the Treasury in the way of increase of salaries.

Mr. BLAINE. O, yes; it was a bad rule.

Mr. HOLMAN. That was a bad rule?

Mr. BLAINE. Yes; it was a bad rule.

Mr. HOAR. Allow me——

Mr. HOLMAN. In one moment. Will my friend from Maine, who says that the present rule is a grievous rule, and that the old rule was also a bad one, explain how it was that, with almost absolute power in regard to the administration of this House—for the gentleman's ability and experience made him complete master of the situation—will the gentleman tell how it was that that grievous error in the rules which enabled the running up of salaries in this House day by day was never sought to be reformed? But when we turn it right over, then we hear for the first time from the gentleman from Maine that this new rule is a grievous rule, just as was the old one. The present rule is a rule in the interest of economy and of the people. The old rule was one in the interest of a remorseless series of measures by which the salaries of Government officials were increased.

Mr. BLAINE. Will the gentleman permit me——

Mr. HOLMAN. For a question only.

Mr. BLAINE. Does not the gentleman see the difference?

Mr. HOLMAN. I do see the difference.

Mr. BLAINE. I want to ask a question.

Mr. HOLMAN. My friend behind me from North Carolina [Mr. SCALES] is entitled to the floor.

Mr. BLAINE. I was asking the gentleman if he could not see the difference.

Mr. HOLMAN. I do see the difference, certainly; I answer the question without a moment's hesitation; there is a very striking difference. The one rule enabled the gentlemen here and in the other end of the Capitol to reward their friends with increased facilities for reaching into the Treasury, while the other rule, that adopted by this House, enables us, on the only bills which must certainly pass both branches of Congress, the appropriation bills, to cure the evils under which we have so long labored.

Mr. BLAINE. That remains to be seen. The gentleman will observe——

Mr. HOLMAN. The one is a measure of profligacy, the other a measure of economy. That is the difference; I can see it in a moment.

Mr. BLAINE. If the gentleman——

Mr. HOLMAN. I have not time now to yield.

Mr. BLAINE. Of course, after the gentleman has entirely misstated me——

Mr. HOLMAN. I will yield for a question.

Mr. BLAINE. I want two minutes.

Mr. HOLMAN. For a question only.

Mr. BLAINE. Does the gentleman yield to me for two minutes?

Mr. HOLMAN. For a question.

Mr. BLAINE. I want——

Mr. HOLMAN. My friend can get the floor whenever he wants it.

Mr. BLAINE. I have not obtained the floor this session by courtesy; I have obtained it only where I was entitled to it by the rules.

Mr. HOLMAN. I will yield to the gentleman.

Mr. BLAINE. The rule to which the gentleman refers, which was an old rule and came down to us from a democratic *régime*, yet which he says I was answerable for not changing, the rule which I enforced, was a rule which belonged to the Committee of the Whole, with which

the Speaker of the House had as little or less to do than any other member of the House. Yet he holds me responsible for not seeking to change that rule. Sir, why not hold your honorable self responsible [referring to the Chairman, Mr. COX,] whom, from your long experience and great knowledge of parliamentary proceedings, I called to my aid as an associate member of the Committee on Rules. And the gentleman from Pennsylvania, [Mr. RANDALL,] chairman of the Committee on Appropriations, was also on that committee. Did the gentleman from New York [Mr. COX] or the gentleman from Pennsylvania [Mr. RANDALL] present this rule as a grievance then? Now that rule, Mr. Chairman, only permitted a single application to salaries. The rule you have now permits any subject of legislation, no matter how wild or how foreign, to be introduced into an appropriation bill, provided it has the delusive term retrenchment attached to it, and therefore when that rule was adopted you transferred the whole legislative powers of the House to the room of the Committee on Appropriations. And you will find in the workings of the rule all the evils which existed under the old law and a thousand more that under that rule had never been dreamed of.

Mr. HOLMAN. My friend, perhaps, is good at prophecy, but it may be that that is the only thing that will commend him in his answer. He prophesies that this rule, adopted in the interests of economy, will work badly. We shall see.

Mr. BLAINE. We shall see.

Mr. HOLMAN. It seems now that the present Committee on Appropriations are to be held responsible during the last six years for not changing the rule.

Mr. BLAINE. They never proposed it.

Mr. HOLMAN. Never proposed it! Why, the gentleman is certainly mistaken. I had the same rule, which is now the rule of the House in terms, before that committee during the whole of the last Congress. Does my friend say that the gentleman from New York [Mr. COX] or the gentleman from Pennsylvania [Mr. RANDALL] called it to the attention of the Committee on Rules?

Mr. BLAINE. Never that I remember. Never.

Mr. HOLMAN. Why, it was read at the Clerk's desk.

Mr. BLAINE. O, there of course, but I say that neither of the members of the Committee on Rules ever proposed that the committee should report it back favorably to the House.

Mr. HOLMAN. My friend seems to think that the old rule was grievous because it enabled Congress to increase expenditures, and the other rule was grievous because it enables Congress to reduce expenditures.

But, Mr. Chairman, I cannot leave this subject without expressing astonishment that the gentleman attempts to escape from this dilemma by saying that he had nothing to do with the Committee of the Whole. It is the House that adopts the rules of the Committee of the Whole. Does the gentleman intend to say to the country that the Committee of the Whole adopts rules?

Mr. BLAINE. No; but the gentleman said I enforced the rule, and I called his attention to the fact that it was the chairman of the Committee of the Whole that enforced this rule, not the Speaker.

Mr. HOLMAN. But certainly the chairman of the Committee of the Whole adopted the rules, whatever they might be, as announced by the gentleman from Maine as Speaker of the House. That was inevitable.

Mr. BLAINE. The gentleman must not make a little point upon that. If he saw such grievous propositions in the rule as he now pretends, why did he not on a Monday or at any other time propose to change it? He sat here fourteen years under it, and never made any such proposition. This whole thing is pitiful; it is trifling.

Mr. HOLMAN. O, no! my friend is greatly mistaken about that. By his own rule it required a majority of the House to second the motion to suspend the rules. Did any gentleman on this side of the House, while that rule was in force, ever get a majority to second a motion to suspend the rules?

Mr. BLAINE. How long was that rule in force?

Mr. HOLMAN. During the larger portion of an entire Congress.

Mr. BLAINE. But you were here seven Congresses, in all twelve years, before that rule was in force.

Mr. HOLMAN. And over and over and over again I protested against this rule without power to change it. But there is one fact which the gentleman must bear in mind, and I will put it on record. Let him say what he pleases about the gentlemen who have come into this Hall and now constitute the majority, the fact cannot be concealed that whether we acquiesced or not during those fourteen years, the moment we had the power to change that rule we said that the rules of this House should be administered in the interest of economy and not of extravagance in the Government, and we did it over my friend's protest. And when the natural force of the new rule begins to appear, when we bring in bills proposing to reduce the expenditures of the Government, it is not marvelous that indirectly—not with very great directness—an effort is made to destroy the bill by assaults upon it.

Mr. BLAINE. I want you to be consistent on salaries of members of Congress.

Mr. HOLMAN. Yes, sir; I shall be entirely consistent.

The CHAIRMAN, (Mr. COX.) Does the gentleman from Indiana desire to be interrupted further?

Mr. HOLMAN. I do not think I will be interrupted any further. [Laughter.] I say this seriously, for I do not expect to discuss the subject in a vein that will excite criticism.

My friend threatens that if we reduce these salaries which had grown out of all proportion too large when you first came into power, (and I hear yet the ringing voice of gentlemen on that side of the House denouncing salaries sixteen years ago,) if we persist in reducing these salaries to what is fair and reasonable, to prices beginning to approach those which are realized in private employment, we are told as a mode of deterring us, if possible, that we shall be placed in the position of being compelled to reduce our own salary. Why, sir, the gentleman from Maine has not read the history of the democratic party aright, if he thinks that an intimation like that will affect our action. He must live very remote from the democratic element, and must be exceedingly uninformed of the democratic spirit, if he supposes that reducing salaries down to the standard of the olden time—that democratic time if you please, (and I do not desire to discuss a subject like this in a partisan spirit,)—will deter any democrat on this floor or elsewhere from demanding that there shall be retrenchment in the expenditures of the Government.

The gentleman from Ohio [Mr. FOSTER] says that if we go beyond 1860 in reducing salaries (and we go beyond 1860 as to very few salaries, indeed most of them have been increased since 1860) there must be a heavy reduction in the pay of members of the House and Senate.

Mr. FOSTER. Will the gentleman allow me to correct him? He certainly knows that a large majority of the salaries reduced are of those fixed prior to 1860—the salaries of the first, second, third, and fourth class clerks and the chiefs of divisions.

Mr. HOLMAN. My friend is a frank, fair, and honorable gentleman; but he fails to present the fact.

Mr. FOSTER. Is not that the fact?

Mr. HOLMAN. The fact is simply this: When you fixed those salaries at $1,200, $1,400, $1,600, and $1,800, you fixed classifications that embraced almost all the employés in the Departments except the heads of the Departments and the heads of a few Bureaus. You had your Auditors and your Comptrollers; you had the heads of your Departments; you had a few heads of Bureaus; but the great body of your employés in the Departments were embraced within those four classes. How is it now? Does not my friend know that under that order of things the salaries I have been mentioning—those of the deputy first comptroller and the deputy second comptroller—would have been $2,000? That was the highest.

Why, even now in this bill we give $2,600 to each deputy comptroller, which under that classification would be only $2,000. All the way through you have a class of clerks at $2,000, another class at $2,250, another class at $2,500, and the deputy comptrollers, who are but a class of clerks, at $2,600.

When my friend talks about going back to 1853, to the Hunter bill, for the purpose of seeking a classification and reducing that classification, he does himself absolute injustice. Now the range is from $1,200, and we do not touch the lowest, to $2,600. The range of democratic salaries was from $1,200 to $1,800, with few exceptional cases of clerks who received $2,000. I can count those who received more than $1,800 on the fingers of one of my hands.

Mr. BLAINE. Why did you not leave the $1,800 where they are? My friend did not mention that.

Mr. HOLMAN. We did not deem it necessary to make an intermediate class of clerks. Instead of what it was under the old administration of affairs, from $1,200 to $2,000, we have a range from $1,200 to $2,600. We have to leave them there. If we had come in with a bill bringing salaries down to the olden time, when there was no ground of feeling that republicanism would perish from the face of the earth in consequence of growing venality in public affairs—if we went back to that olden time, this bill would be reduced $1,000,000 more. We are acting slowly. We understood we had a delicate task on our hands in reducing the expenses of this Government as far as they might be, and yet not give just ground of complaint on the part of any gentleman connected with the administration of the Government. We cannot afford, on the ground of patriotic sense of duty on the one hand, or policy on the other—we cannot afford, I say, to reduce these salaries now as they ought to be reduced, for we cannot afford this country should even have a suspicion that the democratic majority of this House would reduce salaries so as to embarrass any Bureau of the Government. No, sir; we have sought to reduce as far as we might for the present year and not as far as may be done next year, for next year the Departments will have accustomed themselves to a body of clerks who will comport well with the duties to be performed. You cannot do this all at once. You cannot come down at once from the extravagance of war times to the severe economy of a time of peace. We must reduce expenses as far as we can, and yet leave no Department of the Government in any of its branches with the shadow of a ground for complaint.

Now, as to the pay of members of Congress. This bill proposes to reduce that pay from $5,000 to $4,500, leaving the mileage as now fixed by law. The gentleman from Ohio suggests that if other salaries are reduced to what they were prior to 1860, we should go back to that time in applying the 10 per cent. rule here. I have attempted to show the injustice of that upon the ground of the different classification of clerks under the old order of things. I will say, however, to the gentleman that in my judgment the pay of members can be reduced lower than what is now proposed.

The party responsible for the administration of this House have not increased salaries so far as this body is concerned. The increase of salaries of 1854-'55 or 1855-'56 from $8 a day to $3,000 a year was when the democratic party was in a minority in this House. When the increase occurred in 1866 from $3,000 a year to the present salary of $5,000 the democratic party was in the minority in this House. As a minority and as a party they have never increased the pay of members of Congress beyond $8 a day during the session of Congress. The gentleman deems it probable they have resisted an attempt to further reduce the expenses of the Government for fear they will be put in the position of reducing their own salaries.

Mr. FOSTER. Yes.

Mr. HOLMAN. My friend labors under a grievous mistake, for he would not go as far as some would go on this side in reducing salaries, providing he leaves the salary sufficient to meet the reasonable expenses of a member of Congress during the time he was employed in the public service. I lay down for myself but one rule, the rule of the olden time; that a citizen in public employ should receive the same compensation substantially he would receive if he discharged the same service with the same integrity and competency in a private employment. Is not that a sound rule? Will gentlemen tell me why this Government should pay its employés higher wages than they get, having the same integrity and ability, in other employments?

Mr. FOSTER. Right there let me ask the gentleman a question. Why does he then oppose the reduction of the pay of laborers? He knows that the pay of laborers in the employment of the Government is largely in excess of what private employers pay.

Mr. HOLMAN. I do not see exactly the object of my friend's question.

Mr. BLAINE. If I do not interrupt the gentleman, while he is collecting his thoughts upon that point, I ask him to yield to me for a few moments.

Mr. HOLMAN. The gentleman will excuse me. I prefer to go on just now. There are certain laborers in this Government receiving $720 a year. Does the gentleman from Ohio favor reducing those salaries?

Mr. FOSTER. I asked the gentleman a question, and I wish an answer to that question before he proceeds to catechise me. It is well known that the gentleman from Indiana opposes the reduction of the salaries of these laborers. He announces as a principle that he favors a reduction of all salaries to the prices that private employers pay. Now, we pay these laborers——

Mr. HOLMAN. I do not yield to my friend for a speech. I merely yield for a question.

Mr. FOSTER. I have asked the question, and it has not been answered.

Mr. HOLMAN. My friend almost places me in the position of my friend from Pennsylvania, the chairman of the Committee on Appropriations, who, when somebody tried to get him down below a certain point, said he could not go below a dime. When my friend from Ohio in this indirect manner attempts to arraign before the country a salary of $720 that you pay to employés of your Departments——

Mr. FOSTER. I do not arraign it.

Mr. HOLMAN. He endeavors to create a prejudice against it, and says we ought to reduce it.

Mr. FOSTER. I am not in favor of that reduction.

Mr. HOLMAN. Then why do you mention it?

Mr. FOSTER. Because on the principle on which you are acting you ought to reduce those salaries, and yet you do not favor that reduction.

Mr. HOLMAN. My friend, I think, is not as frank as he ought to be on this point. Why bring up those salaries? Why not let them alone? I am not in favor of reducing them, I admit. I will apply the rule, however, of my friend which I have mentioned; I will apply it to all employés of this Government who receive large compensations. And I will say to my friend further that there are many laboring men in this country who are receiving $720 a year. I do not know that that is an extravagant salary.

Mr. FOSTER. For six hours' work?

Mr. HOLMAN. I do not think that it is a salary that ought to be complained of. And I must insist that my friend shall not place himself in a false position. I know that he would not reduce those salaries, and yet by his line of argument he would seem to intimate that even these lower salaries should be reduced.

Mr. FOSTER. What about the charwomen?

Mr. HOLMAN. O! I stand by the charwomen.

The CHAIRMAN. The Chair desires to say that he cannot protect the gentleman from Indiana in his right to the floor unless he refuses to yield.

Mr. HOLMAN. I cannot refuse to yield.

Mr. BLAINE. Knowing how good-natured my friend is, I wish to address to him one question.

Mr. HOLMAN. Not now; let me finish my sentence. There are certain employés we have not touched. We have not touched the employés receiving under $1,200 a year. Gentlemen talk about insufficient salaries, salaries upon which the clerks cannot live. I have heard of ladies in this city, the widows of soldiers who fell in your service, with two or three little children, receiving a salary of $900, and supporting themselves and those children, and educating them out of this small salary received from your Government; and yet we hear gentlemen say that $1,200, the lowest salary we fix by this bill for the neophytes in your Departments, is too low.

Mr. BLAINE. O, no.

Mr. GARFIELD. Who said that?

Mr. HOLMAN. Why, sir, these gentlemen are complaining of our classification, and saying that we are going back prior to 1860 and reducing the salaries fixed in democratic times, while they themselves charge, and I felt the truth of the charge at the time, that we are extravagant in the administration of this Government.

Mr. FOSTER. Will the gentleman allow me——

Mr. HOLMAN. Permit me to finish this matter of the compensation of members of Congress. During the whole war we received the pay of $3,000, when the cost of living was far beyond what it is now. Nobody then proposed to raise that salary. How could any one propose to raise the salaries of members of Congress at a time when great numbers of our fellow-citizens were receiving thirteen or sixteen dollars a month and imperiling themselves in the public employment for which that salary was paid? At such a time this House had not the hardihood to propose an increase of salaries beyond the $3,000. On the termination of the war, when it was reasonably certain that the cost of living would diminish as the elements of circulation would evidently be largely contracted from time to time, then the movement was set on foot to increase the pay of members of Congress up to $5,000 a year.

I have always felt that the salary which was deemed sufficient, which was sufficient during that period of the war was not too low a salary; that it was a reasonable salary for that period; and that, if any change were made from the salary fixed in 1854-'55 or 1855-'56, it should have been to have gone back in view of the privations the people were called upon to endure rather than the amount of their compensation should be increased.

[Here the hammer fell.]

The CHAIRMAN. The gentleman's hour has expired.

Mr. HOLMAN. I ask the House to allow me just a few moments, inasmuch as I was interrupted all the way through.

Mr. BLAINE. I want the gentleman to yield to me for a moment.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOLMAN. I will yield to the gentleman from Maine in a moment if he will allow me first to finish what I have to say.

The CHAIRMAN. Is there any objection to the gentleman from Indiana proceeding? [Cries of "No!" "No!" and "Go on!"]

Mr. HOLMAN. I will close what I was attempting to say by simply this statement: That this question of salary, which is one that influences the destinies of this Government of ours, rises far above any mere personal considerations. In my judgment, this House can afford to reduce the salaries of members of Congress to a rate of compensation corresponding with the diminished expenses of living, and also the diminished ability of the country to pay salaries ought to be taken into account.

I shall co-operate most cheerfully with the gentleman from Ohio [Mr. FOSTER] and the gentleman from Maine [Mr. BLAINE] on any reasonable basis they may suggest in favor of reducing the salaries of members of Congress to any reasonable degree lower than that now fixed by this bill; all I shall ask is this, that you shall not fix the salary so low that a man wealthy only in his capacity to serve the country, and having no other wealth, shall not be driven out of the public employment; but I know that, if you put the salary at $3,000, or even less, you will not drive out of public employment those who desire public employment with one single purpose in view, to serve the best interests of their country to the best of their ability without any self-seeking or desire beyond the welfare of the country.

These considerations in favor of this bill are of a character, if gentlemen will permit me to say so, that do not admit of the petty comparisons that have been indulged in. We have reached a point when no friend of the country will insist on unimportant details as to comparative rates of salary. You have got, sir, a point to aim at far beyond that. No citizen can have watched the progress of events during the years since the close of the civil war when the extravagance of the Government fairly began without knowing—for it has been patent to his eyes and has fallen on his ear from every direction—that if free government is to be maintained in this country, if these free institutions of which our fathers were so proud themselves and our own glories are to be maintained, you have to get rid in public employment of the incentives to venality.

The evil which now assails this Government and imperils it is venality in public employés. It walks our streets in the glare of noonday; it displays itself everywhere, in every field of public employment. The millions of dollars appropriated from the public Treasury annually, millions beyond what a frugal administration of our affairs requires, have bred a spirit of venality in our public employés absolutely imperiling the free institutions of this country. It is perhaps almost an inevitable outgrowth to some extent of the war. After the war closed new impulses had been given; and that up to this time, after eight years, no earnest or persistent effort had been made to check this growing evil, is one of the things that cannot be well understood. Public indignation moves slowly; but now, after a well-defined expression of public feeling, the representatives of the popular will begin to speak and begin to act. O, no, sir; this is not a question of a salary of $800, or $1,200, or $1,400, or $1,600, or $2,600, but it is a question that lies at the very foundation of our Government. Shall there

be purity in the administration of our public affairs? Shall there be honesty in the Government? Does any gentleman, looking the subject fairly in the face, indulge the hope that you shall year after year make vast appropriations of money beyond the necessities of the Government and still have your Departments administered with purity and integrity? O, no! O, no! It cannot be hoped.

You have got to go far beyond in what will be necessary in retrenching now than you would have had to do if the work had been begun immediately after the close of the war. If at that time, instead of giving an impulse to increase of salaries, an attempt had been made at once to reduce the expenditures in every Department of the Government, we would not to-day have had the melancholy spectacle of our country mortified and blushing as a nation for the absence of integrity in the administration of its affairs. We would have escaped all that. And here let me say to gentlemen that this is a subject that party has nothing to do with. When we shall have all been gathered to our fathers and the memory of most of us shall have passed away, the question on which we deliberate to-day will be in its effects absolutely fatal to this nation if we are now recreant to our duty. But if there shall be an earnest and persistent effort, overriding all quibbles and pretexts, to reduce the expenditures of the Government and diminish the drain upon our Treasury, we may indulge the hope that many long years will elapse before the fatal experience of this hour will again be encountered by the people of this country. If we do not do this; if we pass on in the old channels, and if the people do not most signally rebuke us, then no man looking to the future can anticipate what must be its final effect on the destinies of the country. It is venality in public employment that the people of this Government have to apprehend. If our Government is to remain a Republic it must be so because administered in honesty and integrity with every motive under heaven to produce such results, and none to produce contrary results.

I say, therefore, in regard to this bill, striking as it does at individual salaries, at the salaries of our friends in this House, at the salaries of your friends in the Departments, if there is not enough virtue now here to enable members to rise up above these personal considerations and look alone to the public interest and the public welfare, and to reduce the expenditures of this Government so far as they are involved in this bill, to the amount and to the point that are demanded by simple frugal economy, and nothing more, we will, so far as our action in this Congress is concerned, add to the perils to which this nation is exposed the further peril that the very fountains of justice and of law will be corrupted by the venality which we permit to be introduced into our affairs through the volume of appropriations made by these bills.

Mr. BLAINE. I ask the gentleman to yield to me for a few moments.

Mr. HOLMAN. Certainly.

Mr. BLAINE. I will detain the gentleman from North Carolina [Mr. SCALES] but a few minutes. I merely want to make a correction in regard to some matters which the gentleman from Indiana [Mr. HOLMAN] has brought into this debate—and I desire his attention while I do so—in regard to the rule upon which he has seen fit to comment, in connection with my occupancy of the Speaker's chair. I propose to give the history of that rule.

On the 14th of September, 1837, the House adopted this rule:

No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

At the next session of Congress, on the 7th of March, 1838, Mr. C. C. Cambreling, of New York, *nomen venerabile*, the chairman of the Committee of Ways and Means at the time, moved an amendment to an appropriation bill increasing the salaries of certain customs officials at Salem, Norfolk, and Charleston. The point of order was made that under the rule it was not competent for him to move that amendment. The point was made by Mr. George N. Briggs, afterward well known as governor of Massachusetts. Mr. Bell, of Tennessee—all of those connected with this matter happen to be well-known and distinguished men—moved an amendment to the rule. The Speaker at the time was James K. Polk, afterward President of the United States, and the Congress was largely democratic. In pursuance of that motion of Mr. Bell, one week later an amendment to the rule was reported and adopted in these words:

Unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government.

The rule, as amended, read as follows:

No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government.

Under that amended rule the amendment proposed to the appropriation bill by Mr. Cambreling became in order. And under that amended rule propositions for increasing salaries have been ruled in order as being of the kind that arose under "the contingencies for carrying on the several Departments of the Government." That rule was adopted nearly forty years ago; it has been administered by more democratic Speakers than republican Speakers, and when my honorable friend from Indiana, [Mr. HOLMAN,] fresh and zealous, with that freshness and zeal which are continuous in him, entered the House in the Thirty-sixth Congress, he found this rule in force, and that was a strong democratic Congress. And the decision was made——

Mr. HOLMAN. Will the gentleman allow me?

Mr. BLAINE. Wait a moment, and then I will. The decision was made that the change in the rule was for the very purpose of permitting amendments to increase salaries.

Mr. HOLMAN. Allow me a question.

Mr. BLAINE. Yes, in a moment. The gentleman was in the Thirty-seventh Congress, and in the Thirty-eighth Congress, and I sat with him in that Congress. The gentleman was a venerable member when I entered Congress. [Laughter.]

Mr. HOLMAN. Yes, very.

Mr. BLAINE. And now he says that the reason he did not move to change the rule was that we had a rule here which required a seconding before a motion to suspend the rules could be voted upon. Sir, that rule was in force here only a part of one Congress, and the gentleman has sat here fourteen years.

Mr. HOLMAN. I did not give that as a reason; I said it was the fact. I had no reason——

Mr. BLAINE. I see the gentleman had no reason to give.

Mr. HOLMAN. The gentleman will find my record all right.

Mr. BLAINE. The gentleman will observe that this amended rule was adopted by a democratic Congress at the instance of one of the most illustrious members of the democratic party, Mr. Cambreling, and under one of the most illustrious democratic Speakers, James K. Polk. It was administered for twenty-two consecutive years under democratic Speakers and in democratic Houses; and the gentleman says now that I am responsible for this rule. Sir, I inherited, when I entered that chair, a body of rules——

Mr. HOLMAN. Allow me——

Mr. BLAINE. Wait a moment. I inherited a body of rules to administer, and I endeavored to administer them in good faith. I was no more responsible for a change in these rules than any other member on this floor; not one particle. I was not seated in that chair to make rules; I was seated there by the partiality of my party friends to administer the rules which were then in force. It was for the House to make rules. By the rules I was made chairman of the Committee on Rules, to which such subjects were to be referred.

Now, when the gentleman attempts to put upon me the responsibility of an old, time-honored, time-worn democratic rule, I think he is forgetting a little of that fairness which is a part of his nature. The gentleman and I have been old associates here, and it would take a great deal to make us have any difference except of a friendly character. I am sure he will see that in his zeal for economy, which I shall endeavor to second to the best of my ability, he did me injustice.

Mr. HOLMAN. The gentleman from Maine may examine carefully the record of the Thirty-sixth Congress, and he will find no instance in which the rule recently rescinded by this House was appealed to for the purpose of increasing salaries. He says it was a democratic rule. Without discussing that subject, I will say——

Mr. GARFIELD. My friend will allow me to say that it was in that very Congress that the gradation of salaries at $1,200, $1,400, $1,600, and $1,800 was adopted.

Mr. HOLMAN. O, no, no, no.

Mr. GARFIELD. Certainly it was.

Mr. HOLMAN. No; they were fixed by law.

Mr. GARFIELD. But the law was made then.

Mr. HOLMAN. My friend from Ohio [Mr. GARFIELD] served for many years upon the Committee on Appropriations; and it is strange that he should fall into such an error as that.

Mr. GARFIELD. It is no error.

Mr. HOLMAN. Certainly it is an error. Why, sir, the young men who are coming into public life will laugh at both my friend and myself if we exhibit such want of information as to legislative history.

The "Hunter bill," as it was called, fixed the gradations of salaries at $1,200, $1,400, $1,600, and $1,800. It was done not by an appropriation bill, but by law. Now I wish to say—and I want the attention of the gentleman from Maine still further—I have heard that interpretation of the rule of late years——

Mr. BLAINE. The rule was declared to have been framed for that very purpose.

Mr. HOLMAN. I have seen the statement which my friend has read; but I would like him to find an instance in the Thirty-sixth Congress where that rule was appealed to on an appropriation bill to increase a salary. Let me go further. Take that period of time when the party represented on the other side of the House still remembered the rock from whence it was hewn and the principles on which it came into power—retrenchment and reform; take the Thirty-seventh Congress, and let the gentleman point me to a single instance where that rule was seized upon to increase a salary on an appropriation bill. Let him come down to the Thirty-eighth Congress and point to an instance of that kind. It is possible there may be such; but I almost venture the assertion, (for I have watched the course of legislation closely,) that up to the close of the Thirty-eighth Congress the gentleman has before him the only instance where that rule was appealed to or made use of for the purpose of increasing a salary. He may come down to the year 1866 without finding another such instance. The year 1866 was the unfortunate beginning of the era of extravagance in which we live. It was then that the rule came into

requisition; it was then that that interpretation of the rule became prominent; and from that day to this these remorseless bills have grown upon our hands, these salaries have been vastly increased, this cupidity has pervaded every branch of the public service, until the nation now blushes for the record which Congress has made in this direction. And it was inevitable. Yet my friend from Maine thinks the reversal of that rule—the striking down of that rule as soon as we had the power to strike it down—was a mistake.

Mr. BLAINE. O, no, I did not say that. I said you ought to have struck out that rule, but not put this in. That is what I moved in the Committee on the Rules.

Mr. HOLMAN. I understood the gentleman to say that it was an egregious error.

Mr. BLAINE. To put your rule in. And I say so now.

Mr. HOLMAN. Yet it was that rule which facilitated and made possible measures which bring the blush to the cheek of this nation to-day. Purity in government, honest administration of your affairs, was not to be expected when the rules of Congress were so interpreted as to encourage extravagant appropriations.

Mr. BLAINE. Your rule opens the door just as wide for abuses as the old rule did. It does more; it enables every conceivable piece of legislation to be brought in as a rider upon appropriation bills. The gentleman, as an old parliamentarian, knows that one of the evils that have come down to us from the experience of the British House of Commons, one that almost every State Legislature finds it necessary to guard against, one that we are warned against at the very threshold of our business here, is to keep general legislation off your appropriation bills. Now, the rule which the gentleman has put into our book, (while I have no doubt that in its motive it was just as pure and equitable as it could be,) opens the door to all manner and measure of abuse. The gentleman says that it was a considerable time before the old rule bore its full fruit of evil. This new rule which the gentleman has introduced may, like a new broom, sweep clean for a time; but I tell him, with some little experience in this matter—and he has even more than I—that, unless I entirely mistake the tendency and operation of rules of this kind, this will ultimately open the door to immeasurable abuses which the other was not competent to inflict. The old rule was limited to an increase of salaries. By the operation of this rule, under the idea of retrenching salaries, you may have all imaginable vicious legislation affecting the rights of the people, changing radically the laws of the country, interfering with every possible human right that may be reached by congressional enactment. Every conceivable measure of that kind may be piled upon an appropriation bill; and under the thumb-screw, under the pressure that attends legislation on appropriation bills, you thus force through Congress what in its calmer moments, upon the reports of appropriate committees, would never even get a respectable hearing in this House. In that view I think the rule is utterly vicious.

Mr. HOLMAN. The new rule allows an amendment to an appropriation bill if germane to the subject-matter, or to change existing law if it retrench expenditures. There are two features; first it must be germane, and secondly it must retrench expenditures of the Government. Does not the gentleman from Maine well know that no citizen, no matter what other claim he might have for a seat as presiding officer of this House, would ever occupy that position and be willing in the very face of the people of this country to interpret that rule contrary to its express language. It must retrench expenditure and it must be germane to the subject-matter of the bill. Why talk about opening up this wide field! These monuments placed on each side of that rule are too plain to be mistaken. It must be germane to the subject-matter of the bill and it must retrench expenditure. Peril there to the Government! Peril under that rule when within the restraints which itself provides it is within the control of the House! No; my friend falls into a mistake. He would never have dared to place the construction he did on that rule had he not found ancient precedent; and no man occupying that chair looking this House in the face, looking the people of the country in the face, would ever dare to place a construction on this rule which would violate those conditions, first that it should be germane to the subject of the bill, and secondly that it shall retrench expenditure. With these safeguards the gentleman from Maine regards this as less safe than one which literally opens your Treasury, absolutely throws it open to the impulse of Congress in passing great appropriation bills! A rule which shuts up the Treasury, according to my friend from Maine, which shuts it up and puts guards around it, is more perilous than one to throw it wide open to every impulse of this House when considering an appropriation bill.

One word more and I am through.

Mr. GARFIELD. I wish to call your attention to a point before you sit down.

Mr. HOLMAN. I will say from the first hour—and the gentleman from Maine will confirm what I state so far as I am concerned, although of insignificant moment except to myself—that from the time that rule came to be first in active operation, when attempts were made time and again upon this floor to increase salaries beyond what was reasonable, I opposed it in every possible way; and the very moment there was an opportunity to secure its reversal, I took that step. The gentleman from Maine, with his experience in the administration of the House, may have deemed the old rule the safer one; but in my judgment it was a rule full of peril, while the present rule will be found one of economy, one promotive of honesty in the Government.

Mr. GARFIELD. I desire the gentleman to allow me to call his attention——

Mr. SCALES. I think I have the right to the floor.

The CHAIRMAN. Does the gentleman from Indiana yield the floor?

Mr. HOLMAN. I do. If the gentleman from Ohio desires to be heard, I hope the House will not refuse him the opportunity.

Mr. SCALES. I yielded the floor for one minute at the beginning of this discussion, and now all I have to say is that if gentlemen did more in observing the rules and less in talking about them, we would get along much better. I yield to the gentleman from Tennessee, [Mr. CALDWELL.]

Mr. CALDWELL, of Tennessee. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having taken the chair as Speaker *pro tempore*, Mr. COX reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. EGBERT for one day; to Mr. DAVY for ten days on account of important business; to Mr. BUCKNER for ten days on account of illness; to Mr. POWELL for three days on account of business; to Mr. MACDOUGALL for two weeks on account of important business; to Mr. LAPHAM for one week; to Mr. MAISH for five days; to Mr. MCDILL for three weeks from next Monday on account of sickness; and to Mr. BLAND indefinitely on account of sickness in his family.

On motion of Mr. SMALLS, by unanimous consent, the leave of absence granted to Mr. RAINEY was extended for ten days on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that it insisted on the amendments to the bill (H. R. No. 1251) to exclude the State of Missouri from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872, disagreed to by the House, agreed to the committee of conference asked for by House on the disagreeing votes of the two Houses, and had appointed as managers of said conference on its part Mr. SARGENT, Mr. COCKRELL, and Mr. HARVEY.

It further announced that the Senate insisted on its amendments to the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877, disagreed to by the House, asked for a committee of conference on the disagreeing votes of the two Houses, and had appointed as managers of said conference on its part Mr. ALLISON, Mr. LOGAN, and Mr. WALLACE.

It further announced the passage of a bill (S. No. 63) granting relief to Eva Vansant, Henry Carleton, and Maud Carleton, children of General James H. Carleton; in which the concurrence of the House was requested.

ENROLLED BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 295) to amend the act entitled "An act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation;" and

An act (S. No. 401) to incorporate the Citizens' Building Company of Washington.

BOUNTIES TO COLORED SOLDIERS AND SAILORS.

Mr. WELLS, of Mississippi, by unanimous consent, introduced a bill (H. R. No. 2801) to provide for the payment of bounties, &c., to colored soldiers and sailors and their heirs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAINTING OF BATTLE OF LAKE ERIE.

Mr. HEWITT, of New York, by unanimous consent, introduced a resolution authorizing the removal of Powell's painting of the Battle of Lake Erie to the art building of the centennial exhibition; which was read a first and second time, referred to the Committee on the Centennial Celebration, and ordered to be printed.

And then, on motion of Mr. MORRISON, (at five o'clock and ten minutes p. m.,) the House adjourned.

PETITIONS, ETC.

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

By Mr. BAKER, of Indiana: The petition of John B. Chapman, to be awarded the sum of $3,053.40, found due him and so certified by

the accounting officers of the Treasury on the 20th day of November, 1850, to the Committee of Claims.

By Mr. BANNING: Resolution of the Cincinnati Chamber of Commerce, requesting the President and Secretary of War to have Newport Barracks, Kentucky, again occupied as a military post, and that the troops and military band be returned to said post, to the Committee on Military Affairs.

By Mr. ELY: The petition of Dr. P. F. Reuss, for a pension, to the Committee on Invalid Pensions.

By Mr. FAULKNER: The petition of Francis J. Wheeler, for reimbursement of money advanced on check-book to Hale Libby and Charles Burton, Thirteenth Regiment Maryland Volunteers, to the Committee of Claims.

By Mr. HAMILTON, of New Jersey: A paper relating to a post-route from Wertsville to Clover Hill, New Jersey, to the Committee on the Post-Office and Post-Roads.

By Mr. HOLMAN: Papers relating to the claim of John A. Coan, Government lessee of certain plantations in Louisiana, for relief, to the Committee on War Claims.

By Mr. HUNTON: The petition of Charles Kirby, for compensation for stores and supplies taken by the United States Army, to the Committee on War Claims.

By Mr. KIDDER: A letter from A. J. Smith, of Dakota, relative to the filing of pre-emptors on public lands, to the Committee on Public Lands.

By Mr. KIMBALL: Memorial of the Legislature of Wisconsin, asking for increased appropriations to extend the Signal Service for the benefit of the farming interests of the United States, to the Committee on Commerce.

Also, memorial of the Legislature of Wisconsin, for the establishment of a tri-weekly mail-route from Waupaca to Plainfield, Wisconsin, to the Committee on the Post-Office and Post-Roads.

Also, joint resolution of the Legislature of Wisconsin, against building a bridge across the Detroit River in the State of Michigan, to the Committee on Commerce.

Also, joint resolution of the Legislature of Wisconsin, relative to a consolidated directory of the several States and the General Government, to the Committee on Printing.

By Mr. McMAHON: The petition of Gideon Curtis, for a pension, to the Committee on Invalid Pensions.

Also, the petition of numerous soldiers in the late war with Mexico, now residents of Hampton Home, for active measures for the release of Edward O'M. Condon, to the Committee on Foreign Affairs.

By Mr. O'NEILL: Remonstrance of citizens of Philadelphia, against the reduction of the tariff, to the Committee of Ways and Means.

By Mr. PAGE: The petition of H. B. Tichnor and others, that the United States establish a military post in Alaska Territory, and for the granting of certain privileges to the Alaska Ship-Building and Lumber Company, to the Committee on Public Lands.

Also, the petition of settlers upon the Albion grant, California, that House bill No. 321 be not passed, to the same committee.

By Mr. PARSONS: The petition of James T. White, for compensation for three hogsheads of tobacco taken from him by Colonel E. M. Lowe, United States Army, to the Committee of Claims.

By Mr. PHELPS: The petition of Lieutenant-Colonel Henry A. Frink, for a pension, to the Committee on Invalid Pensions.

By Mr. SEELYE: Memorial of the Engineers Club of Saint Louis, in behalf of the metric system of weights and measures, to the Committee on Coinage, Weights, and Measures.

Also, the memorial of the Saint Louis Academy of Sciences, of similar import, to the same committee.

By Mr. TOWNSEND, of New York: The petition of Elizabeth A. Zears, for an additional pension, to the Committee on Invalid Pensions.

By Mr. VANCE, of North Carolina: Papers relating to the claim of John Waugh, for compensation for property destroyed by the United States Army, to the Committee on War Claims.

By Mr. WILLIAMS, of Indiana: The petition of John Burke, for additional compensation as a United States officer, to the Committee on Military Affairs.

By Mr. A. S. WILLIAMS: The petition of 23 citizens of Hammond, Michigan, that authority be granted to construct a bridge across Detroit River, to the Committee on Commerce.

IN SENATE.

WEDNESDAY, *March* 22, 1876.

Prayer by Rev. J. O. A. CLARK, D. D., of Macon, Georgia.

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

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on the District of Columbia:

A bill (H. R. No. 1256) to regulate the duties of constables and marshals in the District of Columbia where property is claimed to be exempt from execution;

A bill (H. R. No. 1345) revising and amending the various acts establishing and relating to the Reform School of the District of Columbia;

A bill (H. R. No. 1271) amendatory of the act to incorporate the Columbia Railway Company of the District of Columbia, approved May 24, 1871;

A bill (H. R. No. 1652) giving the approval and sanction of Congress to the route and termini of the Citizens' Railroad, and to regulate its construction and operation;

A bill (H. R. No. 1922) providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia; and

A bill (H. R. No. 2157) to provide for building a market-house on square 446 in the city of Washington, District of Columbia.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the petition of Darwin Weaver, J. S. Slack, and other citizens of Ohio, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. DAVIS presented the petition of R. Hickman, M. E. Browse, and other citizens of Saint Mary's, West Virginia, praying for a general law to prohibit the traffic in intoxicating liquors to be used as a beverage within the national jurisdiction; which was referred to the Committee on the District of Columbia.

He also presented the petition of George C. Wilding, D. R. Groves, and other citizens of West Virginia, praying for a general law to prohibit the traffic in intoxicating liquors to be used as a beverage within the national jurisdiction; which was referred to the Committee on the District of Columbia.

Mr. CAPERTON presented the petition of David Teater, R. D. Petty, and others, praying for a general law prohibiting the traffic in intoxicating liquors to be used as a beverage within the national jurisdiction; which was referred to the Committee on the District of Columbia.

Mr. BAYARD. I present a petition of the Sons of Temperance of Delaware, accompanied by a note from Mr. A. M. Powell, at whose request I present this petition, signed by two persons on behalf of themselves and other members of the society, praying for prohibitory legislation in regard to the sale and manufacture of alcoholic liquors in the District of Columbia and the Territories of the United States. I move its reference to the Committee on the District of Columbia.

The motion was agreed to.

Mr. MERRIMON presented a petition of the Good Templars of North Carolina, officially signed, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. DAWES presented the petition of Charles M. Delano, Ezra Kingman, and other citizens of East Bridgewater, Massachusetts, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented the petition of Leopold Karpeles, a citizen of Springfield, Massachusetts, praying that he may be paid the sum of $190, which he believes to be justly due him from the United States for services rendered as a soldier; which was referred to the Committee on Military Affairs.

Mr. WINDOM presented a petition of 469 citizens of Richland County, Wisconsin, praying for an appropriation to complete the Fox River improvement, and for the construction of a canal along the Wisconsin River from Portage City to Prairie du Chien, Wisconsin, in accordance with the third plan recommended by General Warren; which was referred to the Committee on Commerce.

Mr. WRIGHT presented a petition of the Temperance Brotherhood of Christian Churches of the City of Brooklyn, New York, officially signed, representing 30,000 members, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Friends' First-Day School, of Wilmington, Delaware, signed by the superintendent, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. BRUCE presented a petition of the Sons of Temperance of the District of Columbia, officially signed, praying for prohibitory legislation for the District of Columbia and the Territories, for the prohibition of the importation of alcoholic liquors from abroad; that total abstinence be made a condition of the civil, military, and naval service; and for a constitutional amendment prohibiting the traffic in alcoholic beverages throughout the national domain; which was referred to the Committee on the District of Columbia.

Mr. CHRISTIANCY presented the petition of M. B. Tower, L. S. Tower, and other citizens of Rollin, Michigan, praying for prohibitory legislation for the District of Columbia and the Territories, for the prohibition of the importation of alcoholic liquors from abroad; and that total abstinence be made a condition of the civil, military, and naval service; which was referred to the Committee on the District of Columbia.