

of Lockland; of John Wyllie & Sons and other manufacturers of China-ware, at East Liverpool; and of Buchert, Selk & Co., of Canton, all in Ohio, that tariff duties remain unchanged until thoroughly investigated—to the Committee of Ways and Means.

By Mr. McMAHON: The petition of John S. Ankeny, Robert Lytle, A. H. Currie, and others, of Greene County, Ohio, that the tariff duties on flaxseed and linseed-oil remain unchanged—to the same committee.

Also, the petition of D. A. Trump, James Hager, and others, of Darke County, Ohio, of similar import—to the same committee.

Also, the petition of William Hughes, for a pension—to the Committee on Invalid Pensions.

By Mr. MONROE: The petition of E. W. Metcalf, for the establishment of a tribunal to adjudicate upon further claims to the Geneva award—to the Committee on the Judiciary.

By Mr. NEAL: The petitions of Globe Iron Company, of Jackson, Ohio; of Richland Furnace Company, of Richland, Ohio; of Milton Furnace Coal Company, of Wellston, Ohio; of Waddell, Blazer & Co., of Gallipolis, Ohio; of L. C. Robinson & Co. and other manufacturers of iron, at Portsmouth, Ohio; and of Union Iron Company, of Portsmouth, Ohio, that tariff duties remain unchanged until thoroughly investigated—to the Committee of Ways and Means.

By Mr. O'NEILL: The petition of Ruth I. Naylor, for a pension—to the Committee on Invalid Pensions.

Also, the petition of John Sullivan & Sons, of Philadelphia, for a change of the tariff on fine stay-binding and fine cotton-yarns—to the Committee of Ways and Means.

By Mr. SCHLEICHER: The petition of Charles Eichlitz, for the payment of a voucher issued to him by Brevet Major J. L. Hodges, United States Army, for rent of certain buildings in Indianola, Texas—to the Committee on Military Affairs.

By Mr. SMITH, of Pennsylvania: The petitions of Chestnut Hill Iron Ore Company, and of C. S. Kauffman & Co., and other manufacturers of iron, &c., at Columbia, Pennsylvania, that tariff duties remain unchanged until thoroughly investigated—to the Committee of Ways and Means.

Also, the petition of the Susquehanna Canal Company and the Tidewater Canal Company, for compensation for the loss of their bridge over the Susquehanna River, near Columbia, Pennsylvania, burned by order of General Couch, commanding United States forces—to the Committee on War Claims.

Also, the petition of the Columbia Bank of Pennsylvania, for compensation for the loss of Columbia bridge, burned by order of General Couch, United States Army—to the same committee.

Also, the petition of 60 employes in the cork manufactories of Lancaster, Pennsylvania, remonstrating against the reduction of the duty on imported cork—to the Committee of Ways and Means.

Also, the petition of M. S. Cadwell, of Lancaster, Pennsylvania, manufacturer of cork, of similar import—to the same committee.

By Mr. SPRINGER: The petition of certain officers of the Mexican war, and others, that a pension be granted to Mrs. Mary E. Owens—to the Committee on Invalid Pensions.

Also, the petition of Edwin R. Roberts, for compensation for services rendered as a clerk at the Union Indian Agency, at Muscogee, Indian Territory—to the Committee on Appropriations.

By Mr. TOWNSEND, of New York: The petitions of Wagman, Thorpe & Co., manufacturers of paper, at Fort Miller, New York; of Troy Fire-Brick Company; of C. P. Stearns & Co., manufacturers of boxes, at Troy, New York; and of Daniel Bruner & Son, manufacturers of yarn at New Lebanon, Kentucky, that tariff duties remain unchanged until thoroughly investigated—to the Committee of Ways and Means.

Also, the petition of Peter Havermans, that he be granted patents to certain lands claimed by the Southern Minnesota Railroad Company—to the Committee on Private Land Claims.

By Mr. TURNEY: The petition of W. H. Bailey & Co., manufacturers of locomotives, at Connellsville, Pennsylvania, that tariff duties remain unchanged until after a thorough investigation—to the Committee of Ways and Means.

By Mr. VANCE: The petition of J. N. Gill, for compensation for inventions used by the United States—to the Committee on Patents.

Also, the petition of W. C. Dodge, of similar import—to the same committee.

By Mr. WARD: The petition of Samuel Riddle & Son, manufacturers at Green Riddle, Pennsylvania, that tariff duties remain unchanged until thoroughly investigated—to the Committee of Ways and Means.

By Mr. WHITTHORNE: The petition of J. D. Sarvern, for an extension of a patent—to the Committee on Patents.

By Mr. WOOD: The petition of Van Tassel Conklin, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Francis Watt, of similar import—to the same committee.

By Mr. WRIGHT: The petition of Scranton Manufacturing Company, Scranton, Pennsylvania, that tariff duties remain unchanged until thoroughly investigated—to the Committee of Ways and Means.

Also, papers relating to the claim of Charles Daugherty—to the Committee on Foreign Affairs.

## HOUSE OF REPRESENTATIVES.

FRIDAY, January 11, 1878.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON.

The Journal of yesterday was read.

Mr. PRICE. I ask unanimous consent to introduce a bill for reference only.

Mr. HALE. I call for the regular order.

### CORRECTION OF THE JOURNAL.

Mr. SPRINGER. I rise to a correction of the Journal (I heard read only the latter portion of it) with reference to the question whether the motion for the previous question is now pending or not. I do not understand the fact to be in accordance with the Journal as read by the Clerk. I ask that that portion of the Journal be again read.

The Clerk read as follows:

The House having proceeded to its consideration, Mr. HALE demanded the previous question thereon.

Mr. SPRINGER. My understanding is that the gentleman from New York [Mr. WOOD] had the floor and moved to adjourn. Pending the question on the motion to adjourn the gentleman from Maine [Mr. HALE] called for the previous question. Under the rule the motion to adjourn took precedence.

The SPEAKER. The Chair stated at the time that the gentleman from New York [Mr. WOOD] was recognized to make the motion to adjourn prior to the time when the gentleman from Maine [Mr. HALE] arose and called the previous question, being recognized to make a motion of higher privilege than the demand for the previous question. It is within the province of the gentleman from Maine to make that motion whenever the unfinished business is resumed, and it would be the duty of the Chair to recognize him to make such motion, because the Committee of the Whole by its action sustained the substitute which he offered.

Mr. CONGER. My point of order is that this is private-bill day.

The SPEAKER. This is a correction of the Journal, which is in order on any day.

Mr. SPRINGER. I make this point of order in regard to the motion to adjourn, that under the rules that motion takes precedence of all other motions.

The SPEAKER. Undoubtedly, and so the Chair has stated.

Mr. SPRINGER. The motion to adjourn having carried, I hold that the demand for the previous question was not pending.

The SPEAKER. The Chair thinks the demand for the previous question was not pending, but at the same time the Chair would be bound to recognize the gentleman from Maine to test the sense of the House, when the subject is again up for consideration, by making the demand for the previous question.

Mr. SPRINGER. As the Journal now stands, the demand for the previous question is pending.

The SPEAKER. The Chair will read exactly what occurred; it will be found in the RECORD, pages 16 and 17:

Mr. HALE. Is the motion to adjourn made pending my demand for the previous question?

The SPEAKER. The motion to adjourn was made before the gentleman from Maine attempted to obtain the floor.

Mr. ROBBINS. The Journal does not read like the RECORD.

The SPEAKER. The Journal will be corrected. The gentleman from Maine suffers nothing by the correction.

Mr. HALE. As my resolution had been passed by the Committee of the Whole, the moment the committee rose and the Speaker reached the chair and the announcement was made of what was before the House I rose to demand the previous question.

The SPEAKER. The gentleman from New York was recognized to a more privileged motion, which was the motion to adjourn, but whenever the subject comes up the Chair would feel bound to recognize the gentleman from Maine, whose substitute prevailed in the Committee of the Whole, to test the sense of the House on his demand for the previous question.

Mr. HALE. Undoubtedly I am aware in that regard I am safe in the hands of the Chair.

The SPEAKER. The Journal should be corrected.

Mr. WOOD. It is exceedingly important the Journal should be corrected. The facts are stated accurately in the RECORD. The chair recognized me immediately upon the announcement of the report from the Committee of the Whole, and before the gentleman from Maine had made his demand for the previous question, to move that the House do now adjourn, and therefore the gentleman's proposition is not before the House.

The SPEAKER. The Chair recognized the gentleman from New York only because he rose to make a motion which, under the rules, had precedence. If the motion to adjourn had been voted down then, according to the uniform practice and in compliance with the well-known principle of parliamentary law, the Chair would have recognized the gentleman from Maine, whose substitute prevailed in the committee, to test the sense of the House on the demand for the previous question.

Mr. HALE. I do not consider it material, for whenever the ques-

tion comes up the Chair will undoubtedly recognize my demand for the previous question on the resolution as amended in committee.

Mr. SPRINGER. Then the Journal will be corrected to show that the previous question was not pending when the House adjourned.

The SPEAKER. There being no objection, the correction will be made.

The Journal, as corrected, was then approved.

#### BUSINESS ON THE SPEAKER'S TABLE.

The SPEAKER. The Chair asks unanimous consent to present various executive communications which ought to go at once to the appropriate committees of the House. If there be no objection the Chair will go to the business upon the Speaker's table and make disposition of those documents.

There was no objection.

#### FORT BOISE AND FORT LAPWAI MILITARY ROAD.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting a report of the commanding general of the department of Columbia on the bill (H. R. No. 885) making appropriation for a military road from Fort Boise to Fort Lapwai, in Idaho Territory; which was referred to the Committee on Military Affairs.

#### PAYMENT OF CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriation for the payment of claims originating prior to July 1, 1875, under sections 3687 and 3689 of the Revised Statutes; which was referred to the Committee on Appropriations, with power to order the printing of the papers in case the committee should deem it necessary.

#### BRIDGE OVER THE MISSOURI RIVER AT GLASGOW.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting, in response to the application of the Committee on Commerce, a copy of the indorsement by the Chief Engineer of the report of Major Suter, of the Engineer Corps, on the bill (H. R. No. 1074) to authorize the construction of a bridge across the Missouri River at or near Glasgow, Missouri; which was referred to the Committee on Commerce.

#### WEST POINT SANITARY REPORT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter of advice accompanying the sanitary report of the surgeon at West Point; which was referred to the Committee on Appropriations.

#### EXPORT OF LIVE ANIMALS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the collector of customs at Brownsville, in relation to the export of live animals from the United States; which was referred to the Committee of Ways and Means.

#### EMPLOYÉS OF TREASURY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, recommending legislation in reference to necessary employes of that Department whose services will have to be dispensed with unless appropriations be made for their payment.

Mr. BANKS. Will it be in order for me, Mr. Speaker, to make a motion in reference to that communication? I would like, with the consent of the House, to make a statement of not more than one minute in regard to it.

The SPEAKER. Is there objection?

There was no objection.

Mr. BANKS. I wish to state that there are sixty employes, mostly ladies, who are to be discharged from the service of that Department on the 19th of this month. I am informed by the Secretary of the Treasury that \$30,000 transferred from the appropriation for the Bureau of Engraving and Printing to the Treasury will enable these ladies to be employed until the regular appropriation bill shall be considered or passed by Congress. A considerable amount has been saved in the expenses for engraving and printing by the bureau; and, with the consent of the House, I will move a joint resolution that \$30,000 be transferred from the appropriation for that bureau.

Mr. BLOUNT. I must object.

The SPEAKER. There is objection. The communication is referred to the Committee on Appropriations.

Mr. HALE. I ask as this is a very special and a very pressing matter that the Committee on Appropriations have leave to report upon it at any time.

A MEMBER. They have that power already.

Mr. HALE. They have not that power except in regard to reporting a regular appropriation bill, and the committee might want to report a special bill for this purpose. I ask, therefore, that the committee have leave to report upon this matter at any time.

Objection was made.

#### ADVERTISING LABELS ON CURRENCY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting copies of letters from the Director of the Mint respecting advertising labels pasted or stamped

upon fractional coin and currency and concurring in the opinion that additional legislation is necessary to prevent such defacement; which was referred to the Committee on Coinage, Weights, and Measures.

#### FORT HARKER MILITARY RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the Fort Harker military reservation; which was referred to the Committee on Military Affairs.

#### CONTINGENT EXPENSES OF THE TREASURY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a report of contingent expenses of the Treasury Department for the year ending June 30, 1877; which was referred to the Committee on Expenditures in the Treasury Department.

#### REPORT OF COAST SURVEY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with section 4690 of the Revised Statutes, the report of the Superintendent of the Coast Survey for the year ending June 30, 1877; which was referred to the Committee on Appropriations.

#### CIVIL EMPLOYÉS IN NAVY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, giving, in compliance with section 11 of the act of August 26, 1842, a statement of civil employes in the Navy Department during the year ending December 31, 1877, with time each was employed and sums paid each; and also a statement of employes for temporary clerical services under section 2 of the act of August 15, 1876; which were referred to the Committee on Appropriations.

#### FORT LEAVENWORTH MILITARY RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the governor of the military prison at Fort Leavenworth, Kansas; which was referred to the Committee on Appropriations.

#### RATES FOR PUBLIC ADVERTISING.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting the opinion of the Attorney-General relative to the rates to be paid for public advertising under the provisions of sections 853 and 854 of the Revised Statutes; which was referred to the Committee on Appropriations.

#### ENROLLED BILL SIGNED.

Mr. ELAM, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title: "A bill (H. R. No. 1637) establishing post-roads;" when the Speaker signed the same.

#### REFUNDING OF NATIONAL DEBT.

Mr. PRICE, by unanimous consent, introduced a bill (H. R. No. 2152) to promote the deposit of savings and the refunding of the national debt; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

#### PRINTING OF DOCUMENTS.

Mr. WOOD. Before the vacation there were referred to the Committee of Ways and Means executive documents: one a letter from the Secretary of the Treasury, in relation to the pay of informers for the fiscal year ending June 30, 1877, and another from the Secretary of the Treasury, relating to the investigation of the New York custom-house. I now move that those documents be printed, the order to print at the time they were referred to the committee not having been made.

The motion was agreed to.

Mr. WOOD. I am directed by the Committee of Ways and Means to ask the House to adopt the following resolution:

*Resolved*, That the Committee of Ways and Means be authorized to have printed any documents for the use of said committee that they may deem necessary in connection with subjects in relation to the revenue being considered by said committee.

Mr. ELLSWORTH. I must object to that resolution.

Mr. GARFIELD. I hope the gentleman from Michigan [Mr. ELLSWORTH] will not object to this, as it is for the convenience of the committee, and it is a right that has always been granted to the Committee of Ways and Means.

Mr. ELLSWORTH. I withdraw my objection.

The resolution was agreed to.

Mr. WOOD moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

#### PAY OF FOLDERS.

Mr. RIDDLE, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee of Accounts:

*Resolved*, That the Committee of Accounts inquire into the expediency of paying the folders of the House folding-room for the transportation of books in the basement of the Capitol from March 1, 1877, to January 18, 1878, the same being extra services performed by said folders, for which no compensation has been made.



## COUNSEL FEES.

Mr. HASKELL, by unanimous consent, introduced a bill (H. R. No. 2153) to provide for the payment of counsel fees in Osage ceded land suits; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

## DANIEL McDUGAL.

Mr. HASKELL also, by unanimous consent, introduced a bill (H. R. No. 2154) for the relief of Daniel McDougal; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## PRINTING OF EVIDENCE.

Mr. BRAGG submitted the following resolution; which was read, considered, and agreed to:

*Resolved*, That the Committee on Military Affairs be, and it is hereby, authorized and empowered to print such evidence as it has taken and may take under the resolution of the House of November 16, last, and its report thereon, with leave to report the same at any time.

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

The latter motion was agreed to.

Mr. SAPP. I desire to introduce some bills for reference.

Mr. SPRINGER. There are a number of gentlemen who have bills which they desire to introduce, and I ask unanimous consent that the States and Territories be called as on Mondays for the introduction of bills.

Mr. KELLEY. Is not this private bill day?

The SPEAKER. It is.

Mr. SAPP. We can get through with the business in a few minutes.

Mr. KELLEY. I will not object.

## RESUMPTION OF SPECIE PAYMENTS.

Mr. SAPP, by unanimous consent, introduced a bill (H. R. No. 2155) to give construction to the act entitled "An act to provide for the resumption of specie payments," approved January 14, A. D. 1875, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

## INVESTMENT OF SAVINGS.

Mr. SAPP also, by unanimous consent, introduced a bill (H. R. No. 2156) to authorize the Secretary of the Treasury to issue coupon bonds of the United States of the denominations of \$15, \$25, \$50, and \$100 for the investment of savings, and for other purposes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

## GRANT TO CITY OF COUNCIL BLUFFS.

Mr. SAPP also, by unanimous consent, introduced a bill (H. R. No. 2157) to grant to the corporate authorities of the city of Council Bluffs, in the State of Iowa, for public uses, a certain lake or bayou situated near said city; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

## JOHN HOBSON.

Mr. MORRISON, by unanimous consent, introduced a bill (H. R. No. 2158) for the relief of John Hobson, of Madison County, Illinois; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. HUBBELL. I call for the regular order.

## ADJOURNMENT OVER.

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

The question was put; and on a division there were—ayes 132, noes 33.

Mr. FRANKLIN. I call for tellers.

Tellers were not ordered, only 10 voting in favor thereof, not one-fifth of a quorum.

Mr. COX, of New York, moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## ORDER OF BUSINESS.

Mr. HUBBELL. I now insist on the regular order.

Mr. TUCKER. I wish to introduce a bill, for reference only.

The SPEAKER. The Chair cannot entertain the request as the regular order is demanded. The regular order is the morning hour and the call of the committees for reports of a private nature.

Mr. HALE. I rise to a question of order. By Rule 51 it is provided that—

As soon as the Journal is read, and the unfinished business in which the House was engaged at the last preceding adjournment has been disposed of, reports from committees shall be called for and disposed of; in doing which the Speaker shall call upon each standing committee in regular order, and then upon select committees; and if the Speaker shall not get through the call upon the committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the report last under consideration: *Provided*, That whenever any committee shall have occupied the morning hour on two days, it shall not be in order for such committee to report further until the other committees shall have been called in their turn.

My point is that the business upon which this House was engaged for two days before the recess and on yesterday, immediately upon the reassembling of the House, comes up this morning as unfinished business. I make this point all the more readily because I am sure I shall have the co-operation of the gentleman from New York, [Mr. WOOD,] who had charge of the original resolution and who was so desirous that this very important matter should be pressed to a vote at the very first opportunity. And I hope that now, while I am asking a ruling upon this point of order, so that the matter may be brought up this morning and disposed of, the gentleman from New York will assist me with his knowledge of parliamentary law, and invoke, if perchance there be any, such other rule besides that which I have quoted as will support my proposition, that the subject in the consideration of which we were engaged yesterday comes up to-day as unfinished business.

The SPEAKER. The Clerk will read Rule 51, the rule to which the gentleman from Maine refers.

The Clerk read as follows:

As soon as the Journal is read, and the unfinished business in which the House was engaged at the last preceding adjournment has been disposed of, reports from committees shall be called for and disposed of; in doing which the Speaker shall call upon each standing committee in regular order, and then upon select committees; and if the Speaker shall not get through the call upon the committees before the House passes to other business, he shall resume the next call where he left off.

The SPEAKER. The Clerk will now read Rule 56.

The Clerk read as follows:

The consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed as soon as the Journal of the next day is read, and at the same time each day thereafter until disposed of; and if, from any cause, other business shall intervene, it shall be resumed as soon as such other business is disposed of. And the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.

The SPEAKER. The Clerk will now read Rule 128, relating to the proceedings of the House on Fridays.

The Clerk read as follows:

Friday in every week shall be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by a majority of the House.

The SPEAKER. And the Clerk will now read Rule 41.

The Clerk read as follows:

When any motion or proposition is made, the question, "Will the House now consider it?" shall not be put unless it is demanded by some member, or is deemed necessary by the Speaker.

The SPEAKER. Does the gentleman from Maine [Mr. HALE] desire to make any further remarks upon the point of order he has raised?

Mr. HALE. If the Chair shall rule that under the rules just read Friday is set apart for the consideration of private business to the exclusion of the unfinished business of the day before, then in order to give effect to that clause of Rule 128, which says, "unless otherwise determined by a majority of the House," I shall move that the House now proceed to the consideration of the unfinished business of yesterday.

The SPEAKER. Is the gentleman through?

Mr. HALE. For the present.

The SPEAKER. The Chair thinks that the latter clause of Rule 56, which reads, "and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules," taken in connection with Rule 128, which provides that on Friday private business shall have the preference unless a majority of the House shall determine otherwise, would remit the gentleman from Maine [Mr. HALE] for his remedy to Rule 41, which provides for raising the question of consideration.

Mr. HALE. That is the question which I wish to raise.

The SPEAKER. The gentleman from Maine, then, desires to test the sense of the House upon the question of proceeding now with the consideration of private business.

Mr. HALE. For the purpose—

Mr. EDEN. Can that be done until after the expiration of the morning hour? Is not the call of committees during the morning hour the first business now in order?

The SPEAKER. The question of consideration can be raised at any time, and properly so, for under the rule the majority of the House has the right to proceed to such business as it may desire.

Mr. WOOD. I suppose that there is no doubt of the fact that under Rule 41 the gentleman from Maine [Mr. HALE] or any other member can raise the question of consideration at this time. I merely wish to suggest to that gentleman, because I have no disposition to interfere with the bringing of the business of yesterday squarely before the House, and a full House—I suggest to the gentleman whether, in view of the fact that there are many gentlemen here largely interested in private bills, he can absolutely test the sense of the House on a vote collateral to the question under consideration yesterday, by a motion to lay aside private bills.

Mr. HALE. I suppose everybody understands the object of my raising the question of consideration in regard to private business to-day. If that is voted down, then the unfinished business of yesterday would come up and the previous question would be called upon it. The House, unusually full this morning, would at once pass upon the vexed questions that have been troubling us, not only yesterday but during

the last days of the session before the recess. I suppose there would be no question, if private business is not considered and we are left to the consideration of public business, that the unfinished business of yesterday would come over for consideration now.

The SPEAKER. The effect would be to make to-day the same for business as Tuesday next.

Mr. HALE. And of course the first business to be considered would be the unfinished business of yesterday.

The SPEAKER. That is so.

Mr. COX, of New York. I suppose there is no question as to the right of the gentleman from Maine [Mr. HALE] to raise the question of consideration on a Friday. I would call the attention of gentlemen to the ruling of the Speaker upon the Paris exposition bill, in regard to which my colleague from New York [Mr. WOOD] himself invoked the assistance of this very rule.

Mr. WOOD. I would suggest to my colleague that the cases are not similar.

The SPEAKER. The same rule regulates all subjects alike.

Mr. COX, of New York. Whether private-bill day or not the Chair has decided the majority of the House can, the question of consideration being raised, set aside that private business to go to public business. This is the unfinished public business, and the gentleman from Maine having the floor can raise the question of consideration. If that motion be agreed to, and the private business is postponed and that unfinished public business taken up, then I give notice in order to test the sense of the House that I shall move to recommit the whole subject to the Committee of Ways and Means so that that committee may report it back when we have a full House.

The SPEAKER. The gentleman from Maine raises the question of consideration, and the question now before the House is whether or not the private business shall be taken up at this time.

The House refused to proceed to the consideration of private business.

#### COMMITTEE INVESTIGATIONS.

Mr. HALE. I rise now, Mr. Speaker, for the purpose of calling the previous question upon the resolution reported by the Committee of the Whole on the state of the Union yesterday, but before doing so I will yield for a moment to the gentleman from Illinois to move an amendment.

Mr. BURCHARD. Mr. Speaker, as there may be a question, and it has been suggested, whether the amendments adopted to the original resolutions are pending or not in the House, I now offer to the substitute the amendment which I submitted in the committee to the original resolutions and which was adopted.

Mr. COX, of New York. Has the previous question been called by the gentleman from Maine?

The SPEAKER. It has.

Mr. COX, of New York. I wish to give notice now that if the previous question is not seconded I will move that the whole subject, the resolutions and pending amendments, be recommitted to the Committee of Ways and Means.

The SPEAKER. I believe there are no amendments pending from the Committee of the Whole.

Mr. COX, of New York. But the gentleman from Illinois offers one now.

Mr. BURCHARD. I move to amend the substitute by inserting after the word "authorized" and before the word "provided" the words "to apply to the House at any time for power."

The SPEAKER. The gentleman's amendment was to the original resolutions and it was adopted in Committee of the Whole. Subsequently the committee adopted the substitute of the gentleman from Maine for the original resolutions as amended.

Mr. HALE. I have now yielded to the gentleman from Illinois to offer in the House his amendment to my substitute. I call for the previous question upon the report of the committee and the amendment just moved by the gentleman from Illinois.

The SPEAKER. There was no report from the Committee of the Whole but the substitute of the gentleman from Maine.

Mr. BURCHARD. Does the Chair hold there is nothing pending before the House but that substitute?

The SPEAKER. That is the report of the committee.

Mr. COX, of New York. But suppose the substitute be voted down in the House, do not the original resolutions then come up for action?

Mr. GARFIELD. The substitute certainly brings the original resolutions with it.

The SPEAKER. If the report of the committee is rejected, that is, if the substitute is voted down, the original resolutions as amended in Committee of the Whole will then come up for action.

Mr. HALE. Suppose the substitute I offered is voted down, does not that bring up the original resolutions?

The SPEAKER. It does with the amendment of the gentleman from Illinois which was adopted.

Mr. COX, of New York. I hope the previous question will be voted down.

Mr. HALE. I demand the previous question on the substitute to the original resolutions and on the amendment just offered by the gentleman from Illinois.

The House divided, and there were—ayes 90, noes 102.

Mr. HALE demanded tellers.

Tellers were ordered.

Mr. LUTTRELL. I demand the yeas and nays.

Mr. SPRINGER. That is not in order.

The SPEAKER. The demand for the yeas and nays is not in order on seconding the demand for the previous question.

The SPEAKER appointed Mr. HALE, and Mr. COX of New York, as tellers.

The House again divided, and the tellers reported—ayes 109, noes 111.

So the demand for the previous question was not seconded.

Mr. WOOD. I now offer a substitute for the report of the Committee of the Whole, and on that I demand the previous question.

The Clerk read as follows:

*Resolved*, That the several committees of this House having in charge matters pertaining to Indian affairs, military affairs, naval affairs, post-offices and post-roads, public lands, public buildings and grounds, claims, and war claims be, and they are hereby, instructed to inquire, so far as the same may be properly before their respective committees, into any errors, abuses, or frauds in the administration and execution of existing laws affecting said branches of the public service, with a view to ascertain what change and reformation can be made so as to promote the integrity, economy, and efficiency therein; that the Committee on Expenditures in the State Department, in the Treasury Department, in the War Department, in the Navy Department, in the Post-Office Department, in the Interior Department, in the Department of Justice, and on Public Buildings be, and they are hereby, instructed to proceed at once to examine into the state of the accounts and expenditures of the respective Departments submitted to them and into all the affairs of said Departments as fully as is permitted to them and made their duty to do by the rules of the House relating to said committees respectively. And, for the purpose of enabling the said committees aforesaid to fully comprehend the workings of the various branches or Departments of Government respectively, the investigations of said committees may cover such period in the past as each of said committees may deem necessary for its own guidance or information or for the protection of the public interests and for the exposing of frauds or abuses of any kind in said Departments; and said committees are authorized to send for persons and papers and also to sit in any recess which may occur during the session: *Provided*, That the exercise of the power shall in the judgment of the committee be necessary and that when the production of papers is required they shall be specified and described with such accuracy as shall be practicable under the circumstances.

*Resolved further*, That the Committee on Public Expenditures be instructed to investigate and inquire into the matters set forth in the foregoing resolution in the legislative department of the Government, except in so far as the Senate is exclusively concerned, and particularly in reference to the public printing and binding, and shall have the same authority as is conferred upon other committees aforesaid.

#### MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, in writing, was communicated to the House by Mr. PRUDEN, one of his secretaries.

#### INVESTIGATION BY COMMITTEES.

Mr. HALE. I rise to a question of order. In the first place, it seems to me from the reading of the resolutions offered by the gentleman from New York [Mr. WOOD] that they are the same resolutions that the Committee of the Whole yesterday voted down, and for which it substituted mine. Upon that point I ask the gentleman from New York whether the resolutions are not the same. I could not tell precisely while listening to the reading.

Mr. WOOD. They are.

Mr. HALE. The gentleman says they are the same. Then I make the point of order that the Committee of the Whole has rejected that proposition, and has substituted a proposition submitted by me, and the only parliamentary course is for the House to vote upon the proposition which the committee accepted.

Mr. WOOD. The gentleman is entirely in error. It is competent for the House to amend any report that the Committee of the Whole might make to the House. After the demand for the previous question is voted down by the House, the report is before the House, to be substituted, to be amended, to be disposed of as the House thinks proper. Had the motion of the gentleman from Maine for the previous question been sustained, he would have been right. His motion not having been sustained, he is wrong.

The SPEAKER. In obedience to the ordinary practice, the Chair recognized the gentleman from Maine to test the sense of the House as to ordering a vote upon the report of the Committee of the Whole. There was an adverse vote by the House, and consequently the control of the report of the committee was transferred from the gentleman from Maine to the majority of the House.

Mr. HALE. Precisely. I make no question as to that.

The SPEAKER. Therefore, that being done, the demand for the previous question being voted down, the Chair in obedience to the uniform practice recognized the gentleman from New York to make his motion.

Mr. HALE. Yes, Mr. Speaker; but my point is not that the control passed from this side to the other. That is undoubted. But my point is that whatever vote is taken, or whatever amendment is offered now, must be under the rule; and we are still confronted with the report of the committee. It is not that I have the control of it or that any member on this side of the House has; but all the same the action of the committee is before the House—the vote of the committee adopting the proposition submitted by me. Now I claim that the committee having rejected the very proposition which the gentleman from New York offers now *in visdem verbis*, we cannot now be asked to vote upon that.

Mr. ROBBINS. I wish to correct the gentleman. The proposition offered by the gentleman from New York is not identical—



Mr. HALE. The gentleman from New York says it is in the identical language in which it was formerly submitted.

Mr. ROBBINS. It is not identical with the matter which the substitute displaced in the Committee of the Whole, because the amendment of the gentleman from Illinois [Mr. BURCHARD] to the original proposition had been adopted before the original proposition as amended was displaced by the substitute; so that this proposed amendment is not identical with anything which the committee positively rejected.

Mr. COX, of New York. I desire to say a word in response to the gentleman from Maine. The Committee of the Whole has discharged its function. It has reported this matter to the House with its opinion in the form of this amendment, or this substitute. The House has the paramount right to do as they please with that report. The Committee of the Whole is only a committee after all, though it be a Committee of the Whole House. I have often seen in this House, where a bill was reported from the Committee of the Whole with sundry amendments, when it came into the House it was voted down, and the original bill offered and voted on and passed through the House.

Mr. HALE. But I think that it never was the case where the original proposition had been rejected in committee and a substitute offered, that the proposition that had been rejected was put in as an original proposition.

The SPEAKER. The action of the House practically overthrew the action of the Committee of the Whole.

Mr. HALE. And does that prevent the report of the Committee of the Whole coming up for action?

The SPEAKER. The effect of voting down the demand for the previous question throws the question open for amendment and debate.

Mr. HALE. Undoubtedly, but I submit that this proposition of the gentleman from New York does not come under the rule.

Mr. SPRINGER. I think the question may be made perfectly clear by simply remembering that the proposition now before the House is the proposition that went to the Committee of the Whole, to wit, the resolutions offered by the gentleman from New York. The recommendations of the committee are simply recommendations and have not been agreed to by the House. Therefore the proposition which the gentleman from New York originally moved is the main question. These others are pending amendments, and it is not now in order for the main question to be moved as against the amendment. Therefore I think the point of order is well taken, that it is not in order to move the main question as against pending amendments to that question.

The SPEAKER. There is no amendment to the substitute from the Committee of the Whole. The report came into the House as a single substitute to the original proposition as referred to the Committee of the Whole.

Mr. SPRINGER. But a substitute is an amendment.

The SPEAKER. And the question is open for amendment. The vote must first be taken upon allowed amendment to the report of the committee, but that does not cut off the right of the gentleman from New York to move his amendment in manner as indicated.

Mr. SPRINGER. But the proposition from the committee is this: will the House agree to the amendment recommended by the Committee of the Whole, namely, the substitute offered by the gentleman from Maine, [Mr. HALE?]. If the House refuses to agree to that, then it goes back to the next proposition, which my colleague from Illinois [Mr. BURCHARD] offered. If the House refuses to agree to that, then the substitute of the gentleman from New York can come in.

The SPEAKER. The Chair has not decided on which amendment the vote will be first taken.

Mr. SPRINGER. Then we agree.

The SPEAKER. But the Chair recognizes the right of the gentleman from New York [Mr. WOOD] to move the amendment, and the Chair will have read what the practice of the House has been in such cases.

Mr. BURCHARD. There is no question as to the right of the gentleman from New York [Mr. WOOD] to move an amendment in order; but the question is, is this amendment in order? The original proposition went from the House to the Committee of the Whole on the state of the Union. It was considered in the Committee of the Whole and reported back to the House with an amendment, and the vote must be taken in their order upon the amendments to the original proposition.

The resolutions went to the Committee of the Whole; they are reported back to the House with amendments. Those amendments have not been passed upon. When those amendments have been disposed of, then a vote can be taken on the substitute of the gentleman from New York; but he can move no amendment except to the amendments pending or to the substitute of the gentleman from Maine. No other amendment would be in order. He cannot come in now, a substitute being pending, and move another substitute for the original proposition. I think that the parliamentary proposition is clear, and I am glad that I am sustained in my view of it by my colleague from the Springfield district, [Mr. SPRINGER.]

Mr. WOOD. Both of the gentlemen from Illinois are in error. It is competent for the House to deal with the report of the Committee of the Whole as it would deal with a report from a standing commit-

tee of the House. It is entirely competent for the House either to refer it back again, to lay it on the table, or to pass a substitute or amendment to it. The House can do what it pleases with it. The whole object of the gentleman from Maine [Mr. HALE] in demanding the previous question was to cut off the House from that right, and to prevent me offering a substitute or amendment, and when the House refused to adopt his motion for the previous question it threw the whole subject under the control of the member who originally reported the resolution from the Committee of Ways and Means. No other member was entitled to the floor to make any motion or proposition but myself.

The SPEAKER. The Chair will cause to be read the following paragraphs from the Digest.

The Clerk read as follows:

If the committee shall amend a clause, and subsequently strike out the clause as amended, the first amendment thereby falls, and cannot be reported to the House and voted on. [So, too, if the committee shall amend a bill ever so much, and subsequently adopt a substitute therefor, the bill is to be reported to the House with but a single amendment, viz, the substitute; and the House has only to choose between the original bill and the substitute.]

After a bill has been reported from the Committee of the Whole with amendments, it is in order to submit an additional amendment, but the first question put is upon the amendments reported. If, in Committee of the Whole, an amendment is adopted, and subsequently the paragraph as amended is struck out, the amendment striking out is the only one to be reported to the House. And if the latter is voted down in the House, the first amendment is not thereby revived.

The SPEAKER. The Chair rules that the gentleman from New York was entitled to move an amendment in the nature of a substitute which he proposed, but under the practice of the House, as just stated from the Manual, the vote must first be taken on the amendment to the report of the Committee of the Whole.

Mr. WOOD. And then upon the substitute offered by myself.

Mr. GARFIELD. No, then upon the amendment to the original proposition offered by the gentleman from Illinois, [Mr. BURCHARD.]

The SPEAKER. That was not reported from the committee, but allowed this morning by the gentleman from Maine.

Mr. BURCHARD. The gentleman from Maine yielded to me to move an amendment to the original resolution.

The SPEAKER. The Committee of the Whole adopted a substitute and the substitute was reported as a single amendment.

Mr. BURCHARD. Does the Chair hold that, when a subject is referred to the Committee of the Whole and the committee reports the proposition with an amendment in the nature of a substitute, there can be a vote only upon the substitute?

The SPEAKER. The Chair has said that the first vote will be taken on the substitute. It is then competent for any member of the House to move an amendment and the vote will be taken upon that proposition.

Mr. BURCHARD. But my amendment is pending.

The SPEAKER. If the amendment to substitute be voted down, then a vote will be taken upon the amendment of the gentleman from New York.

Mr. BURCHARD. But there should be a vote upon my amendment before a vote is taken upon the substitute.

The SPEAKER. The Chair thinks not, but will hear the gentleman.

Mr. GARFIELD. Allow me a moment, if the Chair pleases. If the last substitute is voted down, then the amendment offered by the gentleman from Illinois [Mr. BURCHARD] here in the House to the original proposition will be pending, in order to perfect the original proposition, before the new substitute can be voted upon.

The SPEAKER. The defect in the argument of the gentleman is the fact that the original proposition is not reported from the committee.

Mr. GARFIELD. Oh, no. My friend from Illinois, [Mr. BURCHARD,] by leave of the gentleman from Maine [Mr. HALE] who had charge of the subject this morning, offered an amendment.

The SPEAKER. The proposition came into the House as a single report from the Committee of the Whole.

Mr. GARFIELD. Certainly.

The SPEAKER. And the House has no knowledge of any amendment pending in Committee of the Whole.

Mr. GARFIELD. But the amendment was submitted here, and nobody objected. The gentleman having charge of the subject withdrew his call for the previous question until the gentleman from Illinois [Mr. BURCHARD] had offered his amendment to the original proposition.

The SPEAKER. That is a statement of fact about which the Chair is not clear.

Mr. HALE. Let me make a statement, and I am willing to abide by the Journal upon that point, because it is usually very correct. When I arose this morning, after the House had determined not to proceed with the consideration of private business to-day, and called the previous question, I withdrew that call and yielded to the gentleman from Illinois, [Mr. BURCHARD,] who stated that there might be some question whether or not his amendment had come over from the Committee of the Whole. In order to save that question, he offered his amendment here in the House this morning. Having offered it, I then called the previous question upon the report of the Committee of the Whole and upon his amendment. That was voted down undoubtedly, and the House voted not to second the call for the previous question. Still the amendment of the gentleman from

Illinois is in, because I yielded for him to offer it, and it is now pending. If the journal clerk was listening at the time, I have no doubt such is the record which he made.

The SPEAKER. Is the statement of the gentleman from Maine [Mr. HALE] in harmony with the statement of the gentleman from Ohio, [Mr. GARFIELD,] who claimed that the amendment came from the Committee of the Whole?

Mr. GARFIELD. Oh, no; the Chair mistakes me; I did not say that.

Mr. HALE. I have only stated what actually occurred.

The SPEAKER. That does not affect the proposition of the Chair to recognize the gentleman from New York [Mr. WOOD] to move an amendment, and that the vote shall first be taken on the report of the committee, or rather on amendments thereto, and then on the proposition of the gentleman from New York—

Mr. HALE. On the amendment of the gentleman from Illinois, [Mr. BURCHARD.]

Mr. WOOD. The report of the Committee of the Whole was an entirety; you cannot divide it up.

Mr. HALE. It is not dividing it up at all; it is only adding to it. Mr. WOOD. You want three votes instead of two. Let us decide this matter as soon as possible.

The SPEAKER. Under the statement of fact made by the gentleman from Maine, [Mr. HALE,] the vote will first be taken on the amendment of the gentleman from Illinois, [Mr. BURCHARD.] It had temporarily escaped the attention of the Chair that the gentleman from Maine [Mr. HALE] had permitted the gentleman from Illinois [Mr. BURCHARD] to offer his amendment prior to calling the previous question.

Mr. HALE. This all really makes no difference, because, if the gentleman from Illinois [Mr. BURCHARD] had not got in his amendment and my substitute had been voted down, we would then come back to the original proposition, which would be open to amendment.

The SPEAKER. The Chair recognized the gentleman from New York [Mr. WOOD] as moving an amendment.

Mr. HALE. And calling the previous question.

The SPEAKER. Yes, and calling the previous question.

The previous question was seconded and the main question ordered, which was upon the amendment of Mr. BURCHARD, to insert after the word "authorized," in the last clause of the first, resolution before the proviso, the words "to apply to the House at any time for power;" so that that portion of the resolution will read: "and said committees are authorized to apply to the House at any time for power to send for persons and papers," &c.

Mr. BURCHARD. In order to save time in taking this vote, I will call for the yeas and nays at once.

The yeas and nays were ordered.

The question was taken; and there were—yeas 106, nays 111, not voting 75; as follows:

## YEAS—106.

Aldrich,	Danford,	Hungerford,	Pollard,
Bagley,	Davis, Horace	Hunter,	Pound,
Baker, John H.	Deering,	Ittner,	Price,
Ballou,	Denison,	James,	Rainey,
Banks,	Dunnell,	Jones, John S.	Randolph,
Bayne,	Dwight,	Joyce,	Reed,
Bisbee,	Eames,	Keightley,	Rice, William W.
Blair,	Ellsworth,	Kelley,	Robinson, Geo. D.
Boyd,	Errett,	Ketcham,	Ryan,
Brentano,	Evans, I. Newton	Lapham,	Sapp,
Brewer,	Evans, James L.	Lathrop,	Shallenberger,
Briggs,	Field,	Leonard,	Sinnickson,
Brogden,	Fort,	Loring,	Stone, John W.
Browne,	Foster,	Marsh,	Stone, Joseph C.
Bundy,	Frye,	McCook,	Strait,
Burchard,	Gardner,	McGowan,	Thompson,
Burdick,	Garfield,	McKinley,	Townsend, Amos
Cain,	Ha'e,	Mitchell,	Townsend, Martin I.
Calkins,	Hanna,	Munroe,	Van Vorhes,
Camp,	Harmer,	Neal,	Ward,
Cannan,	Harris, Benjamin W.	Norcross,	Watson,
Caswell,	Haskell,	Oliver,	White, Michael D.
Clark, Rush	Hayes,	O'Neill,	Williams, C. G.
Cole,	Hazleton,	Overton,	Williams, Richard
Conger,	Hendee,	Patterson, G. W.	Wren.
Cox, Jacob D.	Henderson,	Peddle,	
Crapo,	Hubbell,	Phillips,	

## NAYS—111.

Atkins,	Cobb,	Fuller,	Jones, Frank
Banning,	Cook,	Garth,	Jones, James T.
Bell,	Covert,	Giddings,	Kenna,
Benedict,	Cravens,	Glover,	Kimmel,
Bicknell,	Crittenden,	Goode,	Knapp,
Blackburn,	Culbertson,	Gunter,	Landers,
Blount,	Cutler,	Hamilton,	Luttrell,
Boone,	Davis, Joseph J.	Hardenbergh,	Lynde,
Bouck,	Dibrell,	Harris, Henry R.	Mackey,
Bragg,	Dickey,	Harris, John T.	Maish,
Bright,	Durham,	Hart,	Manning,
Buckner,	Eden,	Hartbridge,	Martin,
Cabell,	Eickhoff,	Hartzell,	McKenzie,
Caldwell, John W.	Elam,	Hatcher,	McMahon,
Caldwell, W. P.	Ellis,	Henry,	Mills,
Candler,	Evins, John H.	Hewitt, Abram S.	Morrison,
Chalmers,	Felton,	Hewitt, G. W.	Morse,
Clarke of Kentucky,	Finley,	Herbert,	Muldrow,
Clark of Missouri,	Forney,	House,	Patterson, T. M.
Clymer,	Franklin,	Hunton,	Phelps,

Pridemore,	Singleton,	Townshend, R. W.	Williams, James,
Rea,	Smith, William E.	Tucker,	Willis, Benj. A.
Reagan,	Southard,	Turner,	Wilson,
Riddle,	Sparks,	Turney,	Wood,
Robbins,	Springer,	Vance,	Wright,
Ross,	Stenger,	Veeder,	Yeates,
Scales,	Swann,	Waddell,	Young.
Schleicher,	Throckmorton,	Whitthorne,	

## NOT VOTING—75.

Aiken,	Ewing,	Morgan,	Smith, A. Herr
Bacon,	Freeman,	Muller,	Starin,
Baker, William H.	Gause,	Pacheco,	Steele,
Beebe,	Gibson,	Page,	Stephens,
Bland,	Harrison,	Potter,	Stewart,
Bliss,	Henkle,	Powers,	Thornburgh,
Bridges,	Hiscock,	Pugh,	Tipton,
Butler,	Hooker,	Quinn,	Wait,
Campbell,	Humphrey,	Reilly,	Walker,
Carlisle,	Jorgensen,	Rice, Americus V.	Walsh,
Chittenden,	Keifer,	Roberts,	Warner,
Clafin,	Killing,	Robertson,	Welch,
Clark, Alvah A.	Knott,	Robinson, Milton S.	White, Harry
Collins,	Ligon,	Sampson,	Williams, Andrew
Cox, Samuel S.	Lindsey,	Saylor,	Williams, A. S.
Cummings,	Lockwood,	Sexton,	Williams, Jere N.
Darrall,	Mayham,	Shelley,	Willis, Albert S.
Davidson,	Metcalfe,	Slemmons,	Willits.
Douglas,	Money,	Smalls,	

So the amendment to the amendment was rejected.

During the vote,

Mr. WILLIAMS, of Alabama, said. I am paired with Mr. WAIT, of Connecticut. If he were present, I would vote "no."

Mr. SCALES. My colleague, Mr. STEELE, is still absent by reason of sickness.

Mr. WILLIS, of New York. My colleague, Mr. MULLER, is absent on account of sickness. If he were present, he would vote "no."

Mr. HISCOCK. I am paired with my colleague, Mr. LOCKWOOD. Mr. RYAN. The gentleman from New York, Mr. CHITTENDEN, is paired with the gentleman from Georgia, Mr. STEPHENS.

Mr. POWERS. I am paired with Mr. CARLISLE, of Kentucky. If he were present, I would vote "ay" and I suppose he would vote "no."

Mr. PAGE. I am paired on this question with Governor WALKER, of Virginia.

Mr. HUMPHREY. I am paired with Mr. LIGON, of Alabama. If he were present, I would vote "ay" and he would vote "no."

Mr. CUMMINGS. I am paired with Mr. WARNER, of Connecticut. If he were present, I would vote in the affirmative.

Mr. SAMPSON. I am paired with Mr. WILLIS, of Kentucky. If he were present, he would vote "no" and I would vote "ay."

Mr. STONE, of Michigan. The gentleman from Illinois, Mr. TIPTON, is paired with Mr. COX, of New York.

Mr. WILLITS. I am paired with my colleague, Mr. WILLIAMS, who is still detained at his room by illness.

Mr. SMITH, of Pennsylvania. I am paired with my colleague, Mr. BRIDGES. If he were present, he would vote "no" and I would vote "ay."

Mr. METCALFE. I am paired with my colleague, Mr. MORGAN. If he were here, he would vote "no" and I would vote "ay."

Mr. HARDENBERGH. My colleagues, Mr. CLARK and Mr. PUGH, who are both detained from the House by sickness, are paired on this question.

Mr. McMAHON. My colleague, General RICE, is paired on this question with Mr. FREEMAN, of Pennsylvania.

Mr. MULBROW. I desire to announce that Mr. MAYHAM, of New York, is paired on this question with Mr. STARIN, of New York.

Mr. COX, of New York. I am paired on this question with Mr. TIPTON, of Illinois.

Mr. TURNEY. My colleague, Mr. REILLY, is still detained from the House by reason of illness in his family.

Mr. HERBERT. My colleague, Mr. LIGON, is paired with Mr. HUMPHREYS, of Wisconsin.

Mr. YOUNG. I stated yesterday that I had received a letter from Mr. MONEY, of Mississippi, stating that he had been ill. It does not appear, however, in the RECORD. I repeat the statement now, as I suppose he is still detained from the House by illness.

Mr. SOUTHARD. I wish to state that General EWING is paired with Mr. KEIFER.

Mr. BANNING. My colleague, Mr. SAYLER, is paired with Mr. JORGENSEN, of Virginia.

The vote was then announced as above recorded.

Mr. FOSTER. What has become of the amendment I offered?

The SPEAKER. The gentleman will please state it.

Mr. FOSTER. I refer to the proposition I offered in committee which was adopted.

The SPEAKER. That was in Committee of the Whole. A substitute for the original proposition and amendments was subsequently adopted by the committee.

Mr. FOSTER. My amendment was put on the original proposition. The SPEAKER. That is true, and the proposition of the gentleman was an amendment to the original text.

Mr. FOSTER. But how does the proposition of the gentleman from Illinois [Mr. BURCHARD] happen to get before the House for a vote?

The SPEAKER. It was offered in the House this morning by consent of the gentleman from Maine.



Mr. HALE. Let us understand this question. What does the Speaker rule now is the next motion in order?

The SPEAKER. The proposition of the gentleman from New York as an amendment in the nature of a substitute for the report of the Committee of the Whole.

Mr. HALE. That is, it is a proposition to substitute his resolution as originally referred by the House to the Committee of the Whole on the state of the Union for the substitute adopted by the Committee of the Whole.

The SPEAKER. The House has that power.

Mr. HALE. The question then will be on his motion to substitute affirmatively.

The SPEAKER. The question will then recur on the report of the committee as amended.

Mr. HALE. I ask that the substitute adopted by the committee be read that it may be seen upon what we are voting.

Mr. FOSTER. I desire to appeal to the gentleman from New York [Mr. WOOD] to allow a vote to be taken on my amendment.

Mr. WOOD. I cannot conscientiously do it.

The SPEAKER. It requires unanimous consent.

Mr. FOSTER. I hope that side of the House will not refuse to allow an investigation of the wrong doings referred to in my amendment.

Mr. COX. I would like to know how the amendment of the gentleman from Ohio [Mr. FOSTER] was dropped out.

Mr. FOSTER. He "smiles." [Laughter.]

The substitute reported by the Committee of the Whole was read.

The SPEAKER. The question is on the amendment offered by the gentleman from New York [Mr. WOOD] for the report of the Committee of the Whole, which is in the nature of a substitute.

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

On the question of ordering the yeas and nays there were yeas 50.

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

The SPEAKER. The question is on the adoption of the amendment of the gentleman from New York, the chairman of the Committee of Ways and Means.

Mr. WOOD. The resolutions as originally proposed.

The question was taken; and there were—yeas 111, nays 107, not voting 74; as follows:

## YEAS—111.

Atkins,	Dibrell,	Herbert,	Robbins,
Banning,	Dickey,	Hewitt, Abram S.	Ross,
Bell,	Durham,	Hewitt, G. W.	Scales,
Benedict,	Eden,	House,	Schleicher,
Bicknell,	Eickhoff,	Hunton,	Singleton,
Blackburn,	Elam,	Jones, Frank,	Smith, William E.
Blount,	Ellis,	Jones, James T.	Southard,
Boone,	Evins, John H.	Kenna,	Sparks,
Bonck,	Felon,	Kimmel,	Springer,
Bragg,	Finley,	Knapp,	Stenger,
Bright,	Forney,	Landers,	Swann,
Buckner,	Franklin,	Luttrell,	Throckmorton,
Cabell,	Fuller,	Mackey,	Townsend, R. W.
Caldwell, John W.	Garth,	Maish,	Tucker,
Caldwell, W. P.	Giddings,	Manning,	Turner,
Candler,	Glover,	Martin,	Turney,
Chalmers,	Goode,	McKenzie,	Vance,
Clark of Missouri,	Gunter,	McMahon,	Veeder,
Clarke of Kentucky,	Hamilton,	Mills,	Waddell,
Clymer,	Hardenbergh,	Morrison,	Whitthorne,
Cobb,	Harris, Henry R.	Morse,	Williams, James
Cook,	Harris, John T.	Muldraw,	Williams, Benjamin A.
Covert,	Hart,	Patterson, T. M.	Wilson,
Cravens,	Hartridge,	Phelps,	Wood,
Crittenden,	Hartzell,	Pridemore,	Wright,
Culberson,	Hatcher,	Rea,	Yeates,
Cutler,	Henkle,	Ragan,	Young.
Davis, Joseph J.	Henry,	Riddle,	

## NAYS—107.

Aldrich,	Danford,	Hungerford,	Phillips,
Bagley,	Davis, Horace	Hunter,	Pollard,
Baker, John H.	Deering,	Itner,	Pound,
Ballou,	Denison,	James,	Price,
Banks,	Dunnell,	Jones, John S.	Rainey,
Bayne,	Dwight,	Joyce,	Randolph,
Bisbee,	Eames,	Keightley,	Reed,
Blair,	Ellsworth,	Kelley,	Rice, William W.
Boyd,	Errett,	Ketcham,	Robinson, George D.
Brentano,	Evans, I. Newton	Lapham,	Ryan,
Brewer,	Evans, James L.	Lathrop,	Sapp,
Briggs,	Field,	Leonard,	Shallenberger,
Brogden,	Fort,	Loring,	Sinnickson,
Brown,	Foster,	Lynde,	Stone, John W.
Bundy,	Frye,	Marsh,	Stone, Joseph C.
Burdick,	Gardner,	McCook,	Strait,
Burdick,	Garfield,	McGowan,	Thompson,
Cain,	Hale,	McKinley,	Townsend, Amos
Calkins,	Hanna,	Mitchell,	Townsend, M. I.
Camp,	Harmer,	Monroe,	Van Vorhes,
Cannon,	Harris, Benj. W.	Neal,	Ward,
Caswell,	Haskell,	Norcross,	Watson,
Clark, Rush	Hayes,	Oliver,	White, Michael D.
Cole,	Hazelton,	O'Neill,	Williams, C. G.
Conger,	Hendee,	Overton,	Williams, Richard
Cox, Jacob D.	Henderson,	Patterson, G. W.	Wren.
Crapo,	Habbell,	Peddie,	

## NOT VOTING—74.

Aiken,	Ewing,	Muller,	Starin,
Bacon,	Freeman,	Pacheco,	Steele,
Baker, William H.	Gause,	Page,	Stephens,
Beebe,	Gibson,	Potter,	Stewart,
Bland,	Harrison,	Powers,	Thornburgh,
Bliss,	Hiscock,	Pugh,	Tipton,
Bridges,	Hooker,	Quinn,	Wait,
Butler,	Humphrey,	Reilly,	Walker,
Campbell,	Jorgensen,	Rice, Americus V.	Walsh,
Carlisle,	Keifer,	Roberts,	Warner,
Chittenden,	Killinger,	Robertson,	Welch,
Claffin,	Knott,	Robinson, Milton S.	White, Harry
Clark, Alvah A.	Ligon,	Sampson,	Williams, A. S.
Collins,	Lindsey,	Saylor,	Williams, Andrew
Cox, Samuel S.	Lockwood,	Sexton,	Williams, Jere N.
Cummings,	Mayham,	Shelley,	Willis, Albert S.
Darrell,	Metcalfe,	Slemons,	Willits.
Davidson,	Money,	Smalls,	
Douglas,	Morgan,	Smith, A. Herr	

So the substitute was adopted.

During the roll-call, the following announcements were made:

Mr. WILLIAMS, of Alabama. I am paired with Mr. WAIT, of Connecticut. If he were present, I would vote "ay." I desire also to state that my colleague, Mr. LIGON, is paired with Mr. HUMPHREY, of Wisconsin, until Monday on all political questions.

Mr. HISCOCK. I am paired with my colleague from New York, Mr. LOCKWOOD.

Mr. KEIFER. I am paired with my colleague from Ohio, Mr. EWING.

Mr. PAGE. I am paired with Mr. WALKER, of Virginia.

Mr. CUMMINGS. I am paired with Mr. WARNER, of Connecticut.

Mr. HUMPHREY. I am paired with Mr. LIGON, of Alabama.

Mr. SMITH, of Pennsylvania. I am paired with my colleague, Mr. BRIDGES. If he were present, he would vote "ay" and I should vote "no."

Mr. SAMPSON. I am paired with Mr. WILLIS, of Kentucky. If he were present, he would vote "ay," and I should vote "no."

Mr. WILLITS. I am paired with my colleague from Michigan, Mr. WILLIAMS, who is detained at his residence by illness.

Mr. METCALFE. I am paired with my colleague from Missouri, Mr. MORGAN.

Mr. CHITTENDEN. I am paired with Mr. STEPHENS, of Georgia. If he had been here, he certainly would have voted "ay" and I rather think I should have done the same thing.

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

Mr. WOOD moved to reconsider the vote by which the substitute was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The resolutions reported by the committee, as amended by the adoption of Mr. WOOD's substitute, were then agreed to.

Mr. WOOD moved to reconsider the vote by which the resolutions were agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. BRIGHT. I call for the regular order.

## RECOGNITION OF GOVERNMENT OF MEXICO.

Mr. COX, of New York. Before the regular order is proceeded with, I should like to offer a resolution to which I think there will be no objection.

The SPEAKER. The resolution will be read; after which it will be open to objection.

The Clerk read as follows:

Resolved, That the President of the United States be requested, if not incompatible with the public service, to communicate to this House his reasons for refusing to recognize the present government of Mexico under Governor Diaz, with such orders, correspondence, and other documents as relate to that subject.

Mr. HALE. That is already before the proper committee, and I must object.

Mr. COX, of New York. I will simply ask to have it referred, then, to the Committee on Foreign Affairs. We have that matter before us now.

Mr. HALE. I have no objection to that.

The resolution was referred to the Committee on Foreign Affairs.

## PORTS OF ENTRY.

Mr. LUTTRELL, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee of Ways and Means.

Whereas it appears from the annual report of the Register of the Treasury for the fiscal year ending June 30, 1877, that there are a great number of ports of entry in the United States which are a source of expense to the Government and from which but a trifling income is derived, the expenditures for maintaining the same being largely in excess of the receipts therefrom. To illustrate: The receipts of the port known as "Frenchman's Bay," in the State of Maine, was for that fiscal year \$3.85, while the expense to the Government was for—

1 collector	\$1,316 00
1 deputy collector	1,200 00
1 deputy collector	12 00
1 deputy collector and inspector	1,200 00
2 deputy collectors and inspectors	1,025 00
1 storekeeper	300 00
2 storekeepers	4 00

Amounting to..... 5,187 00

The aggregate of the expenditures in excess of the receipts from these ports amounting to — thousands of dollars. And it being evident that economy demands retrenchment and reform in this branch of the Government with a view to the reduction of these unwarrantable expenditures: Therefore,  
*Be it resolved*, That the Committee of Ways and Means be, and are hereby, requested to inquire into the management of all such ports as it appears are an expense to the Government, with a view to report to this House such bill or measure as may be found to be necessary in the premises.

## ORDER OF BUSINESS.

Mr. BRIGHT. I now call for the regular order.

The SPEAKER. The morning hour commences at two o'clock and thirty minutes p. m., and reports from committees of a private nature are in order. The call rests with the Committee on Military Affairs.

## JAMES CLIFT.

Mr. DIBRELL, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. No. 409) for the relief of James Clift, late a captain of the Fifth Tennessee Cavalry; which was referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

## JOHN H. EVANS.

Mr. DIBRELL also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 1385) for the relief of the minor heirs of John H. Evans, deceased; which was referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

## MARY E. TWIFORD.

On motion of Mr. MCCOOK, the Committee on Military Affairs were discharged from the further consideration of the bill (H. R. No. 1324) for the relief of Mrs. Mary E. Twiford; and the same was referred to the Committee on War Claims, not to be brought back on a motion to reconsider.

## JAMES B. MCCLUSKY.

On motion of Mr. MCCOOK, the Committee on Military Affairs were discharged from the further consideration of the bill (H. R. No. 667) for the relief of the heirs at law of James B. McClusky, deceased; and the same was referred to the Committee on War Claims, not to be brought back on a motion to reconsider.

## ALOYSIUS J. KANE.

Mr. GOODE, from the Committee on Naval Affairs, reported adversely upon the bill (H. R. No. 36) for the relief of Aloysius J. Kane; and the same was laid on the table and the report ordered to be printed.

## BRIGADIER-GENERAL WILLIAM THOMPSON.

Mr. MACKEY, from the Committee on Revolutionary Pensions, reported as a substitute for House bill No. 934 a bill (H. R. 2159) for the relief of the heirs of Brigadier-General William Thompson, of the revolutionary army; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

## EMILY E. WHELOCK.

Mr. SINICKSON, from the Committee on Invalid Pensions, reported as a substitute for House bill No. 1433 a bill (H. R. No. 2159) granting a pension to Emily E. Wheelock; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

## ADVERSE REPORTS.

Mr. RIDDLE, from the same committee, reported adversely on the following petitions; which were laid on the table and the report ordered to be printed:

The petition of Henry Sprague, Fourteenth Vermont Volunteers, for increase of pension;

The petition of B. A. Fuller and others; and

The petition of John Flynn, of Bangor, Maine, for increase of pension.

Mr. MACKEY, from the same committee, made an adverse report on the petition of Henry Reiving, late a private Company D, One hundred and sixth Ohio Volunteer Infantry; which was laid on the table, and the report ordered to be printed.

## GALVESTON MILITARY INSTITUTE.

On motion of Mr. GOODE, the Committee on Education and Labor was discharged from the further consideration of the bill (H. R. No. 1720) in aid of the Galveston Military Institute; and the same was referred to the Committee on Military Affairs, not to be brought back on a motion to reconsider.

## ADVERSE REPORT.

Mr. ELLSWORTH, from the Committee of Claims, reported adversely on the memorial of A. B. Todd, purser, for the loss of clothing and stores, claimed to have been stolen; which was laid on the table, and the report ordered to be printed.

## JOHN CLINTON.

Mr. ELLSWORTH. I am directed to report back from the same committee, with a favorable recommendation, House bill No. 430, for the relief of John Clinton, postmaster at Brownsville, Tennessee. I ask that the bill may now be considered. I think there will be no objection to its passage.

Mr. EDEN. I think it had better go to the Committee of the Whole on the Private Calendar.

The SPEAKER. Does it contain an appropriation?

Mr. ELLSWORTH. It does.

The SPEAKER. Then under the rule it must receive its first consideration in Committee of the Whole.

The bill was accordingly referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

## SAMUEL P. TODD.

Mr. ELLSWORTH, from the Committee of Claims, also reported a bill (H. R. No. 2160) for the relief of the heirs of Samuel P. Todd, deceased, late purser in the United States Navy; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

## M. G. HARMON.

Mr. EDEN, from the Committee on War Claims, reported a bill (H. R. No. 2161) for the relief of M. G. Harmon, of Virginia; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

The SPEAKER. The call of committees is now complete.

Mr. WILSON. I ask consent to report from the Committee on Foreign Affairs.

There was no objection, and leave was granted accordingly.

## ANTONIO PELLETIER.

Mr. WILSON, from the Committee on Foreign Affairs, reported adversely joint resolution (H. R. No. 26) to authorize the President of the United States to request the Republic of Hayti to indemnify Antonio Pelletier; which was laid upon the table, and the accompanying report ordered to be printed.

He also, from the same committee, reported the following:

*Resolved*, That the memorial of Antonio Pelletier, asking indemnity from the Republic of Hayti, together with the accompanying documents, be transmitted to the President of the United States without recommendation.

Mr. CLYMER. Is that a unanimous report of the committee?

Mr. WILSON. It is.

The SPEAKER. The Chair would suggest that this perhaps had better be a joint resolution.

Mr. WILSON. If in the opinion of the Chair it should be a joint resolution, I would ask that it be so amended. I had supposed that a simple House resolution was sufficient.

Mr. GARFIELD. I desire to reserve all points of order until some explanation can be had.

Mr. WILSON. The joint resolution which was referred to the Committee on Foreign Affairs was predicated upon a memorial of Antonio Pelletier, who alleged that his property was spoliated and he was arrested and imprisoned while in Hayti, and he asked Congress to recommend to the President to demand indemnity of the Republic of Hayti. The committee have directed me to report back adversely the joint resolution upon the ground that the House has not jurisdiction of the question; and also to report a simple House resolution referring the papers to the President without recommendation.

The SPEAKER. Although the Chair suggested that this should be a joint resolution, the Chair is of opinion that the House has the power to pass a simple House resolution upon this subject.

The resolution was then adopted.

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

The latter motion was agreed to.

## ORDER OF BUSINESS.

Mr. BRIGHT. I now move that the House resolve itself into Committee of the Whole for the purpose of considering the business upon the Private Calendar.

Mr. DUNNELL. Will the Speaker state whether to-day is objection day or not?

The SPEAKER. It is not objection day.

The motion of Mr. BRIGHT was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. BLACKBURN in the chair.

The CHAIRMAN. The Clerk will now report the first bill on the Private Calendar for the second session of the Forty-fifth Congress.

Mr. WADDELL. Before that is done, I ask consent that the Private Calendar for the special session of this Congress be first taken up. There are but three bills upon that calendar, to which no objection has been made.

Mr. BURCHARD. Should we not first consider those bills at this time?

The CHAIRMAN. The Chair will state for the information of the committee that there are but three bills left upon the calendar anterior to the second session of the Forty-fifth Congress. Those bills have never yet been subjected to objection. This not being objection day, if they should now be reported by the Clerk they would evade the rule of objection. In the judgment of the Chair they can now be considered only by unanimous consent. The gentleman from



North Carolina [Mr. WADDELL] asks unanimous consent that they be now considered.

Mr. GARFIELD. I will reserve objection until the bills have been read.

Mr. ROBBINS. I would suggest that this be considered as objection day so far as relates to those three bills.

Mr. CONGER. Let that question be determined in regard to each bill.

The CHAIRMAN. If there be no objection, the Clerk will report the first bill on the Private Calendar for the special session.

The Clerk read the bill (H. R. No. 1496) for the relief of George H. Giddings, as follows:

*Be it enacted, &c.,* That the Postmaster-General be, and he is hereby, authorized and directed to pay to George H. Giddings, of Texas, the sum of \$2,967.43, in full satisfaction of his claim for balance due for mail service on route numbered 12900, from Santa Fé, New Mexico, to San Antonio, Texas; and that for that purpose said sum of \$2,967.43 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. EDEN. Let the report be read.

The report was read as follows:

The Committee on the Post-Office and Post-Roads, having had under consideration House bill No. 1496, entitled "A bill for the relief of George H. Giddings," report:

George H. Giddings claims an unpaid balance of \$5,607.37 due him for mail services on route 12900.

The Sixth Auditor of the Treasury, in an official communication to Mr. Giddings, admits that erroneous and illegal charges to the amount of \$2,967.43 were, by a clerical mistake, charged up against him, which amount is found due him on settlement of his account for said services, but adds that there is no available appropriation out of which the same can be paid.

Your committee therefore report back said House bill, reducing the amount therein appropriated from \$5,607.37 to \$2,967.43, and, as so amended, recommend that the same be passed.

The CHAIRMAN. Is there objection to the present consideration of the bill which has just been read?

Mr. EDEN. I would like to reserve my right to object until I can ask the gentleman from North Carolina [Mr. WADDELL] one or two questions in regard to this bill.

Mr. WADDELL. I should like to be examined on the question.

The CHAIRMAN. The Chair hears no objection.

Mr. EDEN. I should like to ask the gentleman from North Carolina whether this claim is embraced in the general bill which is next upon the Calendar providing for the payment of all such claims?

Mr. WADDELL. I have every assurance it is not. Of course I have no personal knowledge that it is not included in the list of claims.

Mr. EDEN. Does the gentleman say it is not one of these claims antedating the war?

Mr. WADDELL. It is not one provided for in the next bill. I can explain the whole sum and substance of this business. This gentleman, Mr. Giddings, was mail contractor from Santa Fé—

Mr. SAMPSON. In what year?

Mr. WADDELL. He was carrying the mail before the war broke out. There was a change in the contractor, and in settling the account the Government paid the other man this sum of money and charged it to Mr. Giddings. The other man afterward went before the Court of Claims with his claim and that court decided he had been overpaid by the sum of money due to Mr. Giddings. These facts are set forth by the papers in the case. They show that this twenty-five or twenty-six hundred dollars was paid by mistake to the wrong man, and that it is justly due to Mr. Giddings, but the Department has no money out of which to pay it. He has been waiting for years. The larger sum which was asked for included interest which we did not allow.

Mr. SAMPSON. What year was this service rendered?

Mr. WADDELL. In 1861.

Mr. SAMPSON. In 1861?

Mr. WADDELL. I think that was the date.

Mr. SAMPSON. I object to the bill.

Mr. WADDELL. The claim is so clearly a just one, I hope the gentleman will not insist on his objection.

Mr. REAGAN. The contract was made in 1861. When the Government suspended the service in the Southern States this contract was not suspended as I understand it, but was continued, it being a part of the California overland mail route to Arizona and New Mexico. The Government has recognized the justness of the claim and its liability to pay it as is shown by the papers.

Mr. SAMPSON. I object.

The CHAIRMAN. Objection being made, the bill will be passed over, and the Clerk will read the next bill on the Calendar.

#### SOUTHERN MAIL CONTRACTORS.

The next business on the Private Calendar was a joint resolution (H. R. No. 20) to apply the annual appropriation by the act of Congress approved March 3, 1877, to pay certain southern mail contractors.

The resolution and accompanying report were read.

Mr. SAMPSON. I object also to that resolution.

The CHAIRMAN. The resolution will be passed over.

#### THOMAS A. NICHOLSON.

The next business on the Private Calendar was a bill (H. R. No. 224) for the relief of Thomas A. Nicholson.

The bill, which was read, authorizes and directs the Secretary of the Treasury, out of any moneys in the Treasury not otherwise appropriated, to pay to Thomas A. Nicholson, of Iredell County, North Carolina, the sum of \$141.76, the same being the amount of a tax wrongfully collected and paid into the Treasury heretofore upon a lot of tobacco, the property of said Nicholson, when the said tobacco was not liable to the tax.

Mr. EDEN. I ask for the reading of the report in that case.

The report was read, as follows:

Mr. ROBBINS, from the Committee of Ways and Means, submitted the following report:

The claimant asks to have refunded to him the sum of \$141.76, which he says he was wrongfully required to pay by the officers of the revenue department for internal-revenue stamps to be affixed to six boxes of common plug-tobacco belonging to him. It is shown by the affidavits (on file) of the manufacturer and original owner that said tobacco was manufactured and removed from the factory in 1861 in what is now the sixth collection district of North Carolina. By the last proviso of section 75 of the revenue act of July 1, 1862, said tobacco was not liable to duty; and the proper revenue officers of said district did, as appears by their own certificates on file, duly inspect and brand said tobacco as "duty free" on May 23, 1863. Afterward, upon being sent to market in the State of South Carolina, said tobacco was seized by the revenue officers at Camden, in that State, February 1, 1863, upon the ground that it was not stamped in accordance with the act of July 20, 1863. An inspection of this act shows that it did not take effect upon common plug-tobacco until July 1, 1869, five months after the seizure. The claimant protested against the seizure, and made frequent demands for the release of his tobacco, but was refused by the authorities of the revenue department, until at length, to avoid greater loss, he was compelled to purchase and affix stamps to the amount of his claim. His actual loss by the detention of his tobacco was much greater, but he claims only to be reimbursed the sum of money he was wrongfully required to pay. The proofs sustain the foregoing statements. The claim is evidently meritorious, and your committee recommend that the bill pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

#### BARTHOLOMEW COUNTY AGRICULTURAL SOCIETY OF INDIANA.

The CHAIRMAN. The committee will now proceed under the rules to consider the Calendar for the second session of the Forty-fifth Congress. The first business on the Calendar is a bill (H. R. No. 1894) for the relief of the Bartholomew County Agricultural Society of the State of Indiana.

The bill, which was read, appropriates \$1,500 out of any money in the Treasury not otherwise appropriated, to be paid to the Bartholomew County Agricultural Society, in full payment and satisfaction for the use and occupation of the fair grounds of said society for military purposes, from September, 1863, to June, 1865.

Mr. EDEN. I ask that the report in that case be read.

The Clerk read the report, as follows:

Mr. SHELLEY, from the Committee on War Claims, submitted the following report:

The claim is as follows:

June 1, 1865. For occupation of ground for military purposes from September 1, 1863, to date, as per contract herewith .....	\$2,100 00
To damage to buildings, fences, &c., as set forth in affidavit herewith ..	2,000 00
	4,100 00
March 1, 1864. By cash on account of rent .....	533 00
	3,567 00

It is shown by the evidence that the grounds were occupied under a written lease for military purposes from September, 1863, to June, 1865. The lease on the part of the United States was executed by Thomas O. Wilson, first lieutenant and quartermaster for Third Congressional District Indiana Volunteers, and on the part of the society by its president, treasurer, and secretary. The rent was to be \$100 per month. Upon the recommendation of the provost-marshal general \$536.66 of the rent was paid on the 24th day of February, 1865. On the 31st of January, 1872, the chief quartermaster of the Department of the Lakes referred the residue of the claim to the Adjutant-General, who on the 4th of April, 1872, decided that his department could not entertain the demand for damages, at the same time remarking that Congress alone could afford relief. He further says that the matter of damages had been considered with the claim for rent, and that Colonel Stansifer, the provost-marshal for that district, had reported in 1865 that \$100, as agreed upon for the use of the ground, was intended to cover all claims for damages. No such report from Colonel Stansifer is found among the papers. Colonel Stansifer is one of the principal witnesses supporting the demand, the unpaid balance of rent and damages. There is no evidence that when \$536.66 was paid on the rent the matter of damages was included, estimated, or considered.

On the contrary it clearly appears that such could not have been the fact, for that sum was paid for the use of the ground from October 25, 1863 (the date of the lease,) to April 6, 1864, a period of five months and eleven days, and was the exact sum that would be required to pay the rent for that period at the rate of \$100 per month.

The lease contains a clause which provides that the United States shall repair all damage that may be occasioned to the grounds or buildings while so used and occupied. It is claimed by the Adjutant-General that this clause has been inserted since the execution of the instrument, and in proof of this, in addition to the appearance of the lease itself, he produces a copy of the same containing no such words, made out and certified to as a true copy on the 4th day of October, 1865, by James B. Mulky, then provost-marshal of that district. In this connection it is well to state that Lieutenant Wilson, who executed the lease on behalf of the United States, testifies on behalf of the society, very fully and clearly sustaining the claim for the rent and damages, and in his affidavit he makes special mention (as if he regarded the same valid and binding) of the clause about damages. Assuming that this proviso was not in the lease originally, nor afterward inserted with the consent of any person competent to bind the Government; still it would seem that the latter would be required by the law to restore the grounds to the society as they were when possession was taken, making reasonable allowance for wear and decay.

The Adjutant-General says nothing more should be paid for rent. He says that the claim for \$536.66, and a claim for \$123.23, presented thereafter in October, 1864, together cover a period of only six months and nine days. There is no force in this point for the reason that the statement upon which the \$536.66 was paid, as also the claim for \$123.23, which was never paid, were both for only such periods of time as the grounds were occupied for the rendezvous and organization of the One hundred and fortieth Regiment of Indiana Volunteers, prior to complete organization and muster. The society had a right to believe, and probably did

believe, from an opinion which had been expressed by the Quartermaster-General, (as it appears from papers on file,) that a distinction should be kept up between the times the grounds were used for collecting, organizing, and drilling volunteers, and other periods for which they may have been otherwise used.

At the second session of the Forty-third Congress the Committee on War Claims reported favorably upon this claim, and reported a bill appropriating \$1,550 in payment thereof, and at the first session of the Forty-fourth Congress made a similar report, and reported a bill appropriating \$1,500 in full satisfaction of said claim.

Your committee find from the evidence that the society should be allowed the sum of \$1,500 for unpaid rent, and accordingly report the accompanying bill appropriating that sum in full payment and satisfaction of the claim.

Mr. EDEN. If there is no objection to that report I move it be laid aside, to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. The Chair is informed that the rule requires the objection of five members.

Mr. GOODE. This is not objection day.

Mr. EDEN. That is my understanding.

The CHAIRMAN. The Clerk will read an extract from the Manual which has been handed to him.

The Clerk read as follows:

On the first and fourth Friday and Saturday of each month the calendar of private bills shall be called over, (the chairman of the Committee of the Whole House commencing the call where he left off the previous day,) and the bills to the passage of which no objection shall then be made shall be first considered and disposed of. But when a bill is again reached, after having been once objected to, the committee shall consider and dispose of the same, unless it shall again be objected to by at least five members.—Rule 129.

Mr. EDEN. This bill was not objected to in committee.

The CHAIRMAN. The Chair is informed by the Clerk that it was once objected to in committee.

Mr. EDEN. Of course the record will govern, but I have stated what is the fact.

The CHAIRMAN. It appears that the bill was not objected to in committee.

Mr. EDEN. That being so, the committee can only be defeated by a majority vote.

The CHAIRMAN. The bill is before the House for consideration, this not being objection day, to be disposed of by a majority vote.

Mr. FINLEY. I understand that five members have objected to the present consideration of this bill.

The CHAIRMAN. The Chair would state to the gentleman from Ohio [Mr. FINLEY] that the Clerk has corrected the information previously furnished to the Chair, and states that this bill has never been objected to in Committee of the Whole. This is not objection day, and under the rule the bill is before the committee to be disposed of.

Mr. DUNNELL. As I understand, then, this bill is before the Committee of the Whole for consideration.

The CHAIRMAN. It is.

Mr. DUNNELL. As I understand, the case relied on as a basis for the report of the committee was not a contract entered into by any officer of the Government, and hence it was not entered into by any one authorized to make this contract. It occurs to me that this society, which has received some \$500 for the rent of this piece of land, has already been very well paid; and if I heard correctly the report of the committee such is the opinion of the Adjutant-General of the Army. It is now proposed to pay this society \$1,500 for the use of a piece of land during a short period of time. To my mind the report presents no good argument why this large amount of money should be paid. If I have incorrectly heard the report of the committee I am very willing to be set right. The Adjutant-General certainly does not deem the Government responsible and the report admits that the Adjutant-General insists that the society has been very well paid. I fail to see any good reason why we should pay the society any further sum.

Mr. EDEN. The gentleman from Minnesota [Mr. DUNNELL] seems not to have given very strict attention to the reading of the report. This bill simply proposes to appropriate the amount that is yet due under the contract made by the provost marshal of the district for the use of these grounds at the rate of \$100 per month. The amount referred to in the report as having been paid only covered a portion of the time for which the ground was occupied, and the bill proposes—

Mr. BUCKNER. Will the gentleman allow me to ask him a question?

Mr. EDEN. Certainly.

Mr. BUCKNER. I wish to ask if the Adjutant-General had not jurisdiction of the entire matter, and whether he did not give his decision on this claim as well as on what was paid?

Mr. EDEN. I am sorry that I cannot give just as accurate information on anything not contained in the report as might perhaps be deemed necessary, for the reason that this bill was not in my charge, but in charge of the gentleman from Alabama, [Mr. SHELLEY,] who is not here. I would not like to state anything except what the report shows. But the report does show, and such is the fact, that the bill only appropriates money to pay the balance of the rent due at the rate agreed upon in the contract with the provost marshal of the district. There was probably some technical objection in the way which prevented the quartermaster from paying the balance. Part of the claim was paid and the bill only proposes to pay the balance at the rate agreed upon. The bill has been reported several times and has passed several times.

Mr. DUNNELL. I wish to ask the gentleman a question. Why was not the balance paid at the time?

Mr. EDEN. That is precisely what I should like to state accurately, if I could. But, as the bill was not intrusted to my charge, I would not like to state anything beyond what is shown in the report. But I can state this, that the bill only makes an appropriation to pay for the balance of the time that the Government occupied the ground at the contract price agreed upon, \$100 a month.

Mr. BLOUNT. I wish to ask the gentleman from Illinois if this claim has not been audited by the Department?

Mr. EDEN. Not the part we are providing for here. An amount of some \$500 was audited and paid, but, for some reason or other, the balance of the claim remained unpaid till there was no appropriation left out of which it could be paid.

Mr. BLOUNT. Was the reason of its not being paid because there was no money on hand out of which it could be paid?

Mr. EDEN. No, sir; I do not say that. I say there was some reason why it was not paid, but I am not prepared to state the reasons, because the bill was not placed in my charge. I am entirely willing that the bill should lie over till my colleague on the committee from Alabama [Mr. SHELLEY] is here.

Mr. GARFIELD. I wish to ask the gentleman whether the Department acknowledges the justness of this claim or whether it is a disputed matter between the claimant and the Department?

Mr. EDEN. Some dispute arose in reference to a change having been interpolated into the contract. It was a written contract, and in that written contract the Government agreed to indemnify the society for injury done to the property; and a question arose as to whether that portion had not been interpolated; and the Government having paid for the use of the property for some five or six months declined for some reason to pay the balance.

Mr. GARFIELD. I think the House ought to know the ground for the refusal to pay.

Mr. EDEN. I am entirely willing to let the bill go over until Mr. SHELLEY is here. If I had had charge of the bill I would have been prepared to give all the information which has been asked.

Mr. DUNNELL. I trust that may be done.

There was no objection, and the bill was informally laid aside.

W. H. NEWMAN AND L. A. VAN HOFFMAN.

The next business on the Speaker's table was the bill (H. R. No. 1895) for the relief of W. H. Newman and L. A. Van Hoffman.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay W. H. Newman and L. A. Van Hoffman the sum of \$18,430.67, in full compensation for the use of the Pioneer Mills, in Alexandria, Virginia, by the United States authorities during the late war.

The report was read, as follows:

The claimants were the owners and occupiers of very valuable mill property in the city of Alexandria, in the State of Virginia, which cost in excess of \$140,000; that on the 17th day of December, 1861, Commissary Bell, of the Union Army, in company with Hon. Lewis McKenzie, mayor of the city of Alexandria, and since then a member of Congress, went to said mills and informed the agent of the claimants that the Government required the use of the Pioneer Mills, as they were called, to which the said agent replied that the Government could have the property if it would pay for it. Major Bell replied that if the owners were loyal they would be paid. The Government continued to use said Pioneer Mills, including a large and valuable wharf belonging to the estate, until the 25th day of August, 1865, and during all that time the owners thereof were deprived of the use of the same.

It is fully proved by Hon. William M. Evarts and others that the claimants were well known to them as loyal men during the whole war; that they never for a moment resided in a seceded State; that they are men of character, and all their statements entitled to full credit. It is further proven that \$5,000 a year was a low rent for said property, and that the claimants were compelled to pay and did pay each year, while the property was used by the Government, an annual ground-rent to the city of Alexandria of \$1,720. It will thus be seen that the net annual rent to claimants, fixing the gross rent at \$5,000, would be only \$3,280, from which sum taxes and insurance were paid by the owners.

The committee are satisfied that the claimants will receive a very inadequate return for their investment at the price allowed.

This claim was first presented to the War Department for payment. The same was refused there, because of the act of February, 1867, which prohibited payment of a claim created in a State in rebellion. Subsequently it was presented to the claims commission, and dismissed by them for want of jurisdiction, under the act of March 3, 1871.

Your committee are of opinion the good faith of the Government requires the payment of this claim. The claimants were loyal; the property was taken and used by the Government from 17th December, 1861, to 25th August, 1865. The rent allowed is proven to be much below what the owners deemed adequate, but is the same agreed to by one of the officers of the United States during the term of the occupancy. At the price allowed and proven, the aggregate sum is \$18,430.67.

Your committee report the accompanying bill, and recommend its passage.

Mr. EDEN. The gentleman from Indiana, [Mr. ROBINSON,] who is not now present, had charge of this bill and reported it to the House. It was a unanimous report, and I will state that the reason why this claim has not been acted upon, as appears in the report, is because the Quartermaster's Department had no jurisdiction of it under the law, the occurrence having taken place in a seceded State, and the commissioners of claims have no jurisdiction of it for the reason that their jurisdiction only extends to supplies for the use of the Army and Navy. This claim has been before the Department, but the Department having no jurisdiction of it, as a matter of course they could not take action upon it. It has not been acted upon for the want of jurisdiction.

Mr. CLYMER. It has not been rejected at the Department, has it?

Mr. EDEN. Not unless you call a failure to act upon it for want



of jurisdiction a rejection. If there is no objection I ask that the bill be laid aside and it be reported to the House with a recommendation that it do pass.

Mr. FORT. Will my colleague allow me to ask him a question?

Mr. EDEN. Certainly.

Mr. FORT. The report shows, I believe, that this claim was presented to the War Department and also to the Court of Claims. Does the report show that the claim was ever before Congress heretofore?

Mr. EDEN. I know as a matter of fact that it was.

Mr. FORT. And was defeated?

Mr. EDEN. It was never reported upon adversely.

Mr. FORT. I have a recollection that on several different occasions this claim was discussed here.

Mr. HUNTON. In several Congresses the bill was reported favorably; but it was not passed; it was never acted upon unfavorably by a committee of this House.

Mr. FORT. I have a recollection that the case was discussed anyhow in this House.

Mr. HUNTON. I think not.

Mr. FORT. I am not sure. I know the subject-matter was brought up once before on this floor since I have been a member of the House.

Mr. EDEN. The bill was reported upon favorably in the last Congress and received no unfavorable action from the House.

Mr. HUNTON. That is my recollection also.

Mr. MILLS. The Constitution of the United States provides that private property shall not be taken without compensation paid by the Government; that is just and right. If private property belonging to these applicants has been taken or used by officers of the United States, we ought to pay for it; but the same argument applies to other and similar cases. The Army of the United States have occupied houses in my State and other States in my section since the war, and they made contracts for the use of those houses; quartermasters-general have given vouchers for the payment of such contracts, which are now on file in the Department, but not a single bill can ever be got through here approved by this House for the payment of claims of that description. The other day I had the temerity to introduce a bill providing for the payment of these claims by a general law. An adverse report was made upon it almost unanimously by the Committee on Military Affairs of this House.

Now, I believe that all debts due by the Government of the United States without respect to what part of the country the creditors are from ought to be paid. I do not believe in repudiation; I do not believe in educating the people to believe in that doctrine. I believe that when the Government makes a contract with one of its citizens it ought to keep it and ought not to teach the people that repudiation is honorable. Now, why are not debts similar to this paid in Alabama, Texas, and Mississippi? They stand exactly upon the same ground as this does; but a bill to pay them cannot pass here, and gentlemen all know that they cannot be paid; not a dollar of appropriation can be passed through this House or the Senate to pay for houses taken and used by the Quartermaster-General in the Southern States.

Mr. HANNA. My colleague, [Mr. ROBINSON,] the member who seems to have reported this bill, is not here and will not be for some days; and in view of the fact that he is absent and that we have not now a full House; in view of the further fact that Mr. SHELLEY, who had charge of the preceding bill, is not here, it strikes me that it would be better to postpone action on these measures until we have a full House and the various members making the reports are here in person.

In reference to the remarks made by the gentleman from Texas, [Mr. MILLS,] that we are seeking to repudiate, I would say that a debt under a contract is one thing, and it is quite another thing to pay for all losses during the war. The first bill which was read here in the Committee of the Whole seems to have been a bill for my own State, and I am glad that it was laid aside, because if it had been pressed with the views I entertain I should have been compelled to vote against it.

I repeat again, it is one thing to repudiate a debt that we owe, and it is quite another and quite a different thing for the Government of the United States to-day to undertake to pay for all the losses that occurred during the war, and especially to undertake to pay for losses sustained in the States in rebellion. For one I never will vote one dollar to pay a claim of that character.

Mr. MILLS. And I never will ask to have paid by this Government a claim of the kind the gentleman speaks of.

Mr. HANNA. I am glad to hear the gentleman say so. So far as this claim is concerned, it is enough for my purpose at present to say that the gentleman from Indiana [Mr. ROBINSON] reporting this bill is not here, and I think we had better defer action upon it until his return. I repeat again that this effort to saddle upon the American people the losses of property sustained by those who were in rebellion against the Government will not in my judgment receive the sanction of the American people. As one humble Representative I will at all times lift my voice and cast my vote against it.

Mr. HUNTON. I see no reason why this bill should be passed over. The beneficiaries of this bill are not constituents of mine, although the property in question occupied by the Government is located in my district. I think if members on this floor on both sides of the

House understood the facts in regard to this case, this bill would be passed by the House by a unanimous vote. I beg leave very briefly to state some of the facts involved in this case.

The two gentlemen who are the beneficiaries of this bill are now and were all through the late war residents of the State of New York, and one of them is represented by my distinguished friend on my right, [Mr. WILLIS.] They rented what is known as the Pioneer Mills, in the city of Alexandria, and paid largely for the mill property. In addition to what they paid as rent for the mill property itself, they paid annually the sum of \$1,720 as ground-rent to the owners of the ground upon which the mill was built.

During the war, after Alexandria had fallen into the possession of the Federal forces, and while it was occupied by them until the end of the war, and to that extent was no longer in point of fact a portion of a State resisting the Federal Government, the Quartermaster of the United States applied to the agents of these gentlemen, they being in New York and the agent in Alexandria, for permission to occupy the mill property for the uses of the Federal Government. The agent agreed that they might occupy the property if the Government would pay for it. The agent of the Government said, We will pay for the occupation of this property, if the owners are loyal. Under this conditional contract the Federal Government took possession of the mill property and occupied it from that period until about the end of the war.

Now I hold that this was an occupation of property by the Federal Government, under a contract to pay for it what it was worth, if the claimants were loyal to the Government of the United States. Therefore the only question for this House to consider is whether it will carry out the contract made by this Government and pay these claimants for the use of the property which was occupied, upon proof of their loyalty, the only condition of the contract.

Mr. HANNA. Will the gentleman allow me to ask him a question?

Mr. HUNTON. Certainly.

Mr. HANNA. If there was a valid contract entered into by some person authorized to represent the United States on the one hand and by these claimants upon the other, how does it happen that the claim may not be settled in the Court of Claims?

Mr. HUNTON. I will tell the gentleman with great pleasure; I was coming to that. When the war ended and the claimants of this property preferred their claim for rent to the War Department they were met by a law of Congress which prohibited the War Department from paying any such claim arising in the seceding States. For that reason, and that only, the War Department rejected the claim. They then went before the southern claims commission and asked that commission to pass upon the question of payment for the use of their property. The southern claims commission rejected the claim because claims for the rent of property did not come within the jurisdiction of the Court of Claims, their jurisdiction being confined solely to supplies for the Quartermaster and Commissary Departments. So while both of these Departments, the southern claims commission and the War Department, acknowledged the justice of this claim, they did not pay it because the law did not authorize them to pay it. The claimants have now come into this House for a law authorizing the payment of this claim; and would never have come here but for the prohibitory statute of the United States.

Mr. FINLEY. Will the gentleman allow me to ask a question for information?

Mr. HUNTON. Certainly.

Mr. FINLEY. Was this contract made by a person authorized to make a contract for the Government?

Mr. HUNTON. Certainly; it was made by a quartermaster or commissary.

Mr. FINLEY. He was authorized to make it?

Mr. HUNTON. The unanimous report of the Committee on War Claims is that Commissary Bell—

Mr. FRYE. Allow me to remind the gentleman from Virginia [Mr. HUNTON] that this is no new claim; that is to say, it is no new precedent which is now being established. Since I have been in Congress there have been passed two or three bills paying for ground-rent in the city of Alexandria. I remember that I myself in the Forty-first Congress reported a bill from the Committee of Claims in favor of the payment of ground-rent in the city of Alexandria to a gentleman then residing in the State of Vermont. It seems to me the only question here is whether or not these gentlemen were loyal and residents of the city of New York and the owners of this property.

Mr. HUNTON. They were the renters.

Mr. EDEN. There is no doubt about their loyalty.

Mr. HUNTON. As to their loyalty, I beg to say to my friend from Maine, their loyalty is proved by William M. Evarts, Secretary of State.

Mr. BROWNE. He ought to be good authority. [Laughter.]

Mr. HUNTON. I trust that is satisfactory to that side of the House.

Mr. BROWNE. I think that ought to settle it.

Mr. HUNTON. I beg leave to state further that this property, when taken possession of by the Federal Government under this contract between Commissary Bell and the agent of the owners, was exceedingly valuable, not only the building and the ground upon

which it stood, but it was filled with improved and most valuable machinery for the manufacture of flour, and when the Government gave up the property to the owners at the end of the year that machinery was almost valueless; so that, while the property was valued at \$140,000 when they took possession of it, they cannot get \$30,000 for it to-day by reason, in part at least, of the injury done to the machinery while in possession of the Government.

Mr. CONGER. That would be the loss of the owners, and not the renters.

Mr. HUNTON. They are not asking to be paid for that; I beg the gentleman from Michigan to understand that is no part of the pay provided in this bill. I speak only now of the hardships growing out of the occupancy of the building for which no payment is provided to be made.

Mr. CONGER. It is part of the argument, and not part of the claim.

Mr. HUNTON. Yes, sir.

Mr. CONGER. I ask the gentleman whether the owners in that case upon whom the loss or the destruction of the property would fall are also loyal?

Mr. HUNTON. Who were loyal?

Mr. CONGER. The owners of the property.

Mr. HUNTON. The renters were.

Mr. CONGER. It is not claimed the owners of the property were among the loyal. The claimants here were not the owners of the property.

Mr. HUNTON. They rented it.

Mr. WILLIS, of New York. The owners of the building and machinery were undoubtedly loyal.

Mr. HUNTON. I am informed by my friend from New York that they owned the machinery and the building, but that they did not own the land.

Mr. CONGER. There seems to have been some misapprehension on this point.

Mr. GARFIELD. Let me ask the gentleman from Virginia a question: was the contract in regard to this building written or verbal?

Mr. HUNTON. Verbal.

Mr. GARFIELD. I wish, so far as I am concerned, to distinguish between cases where property was taken with the understanding, written or oral, it should be paid for and cases where it was taken without any arrangement and where the claim for rent was subsequently made. If the gentleman says the committee find in this case the rent was agreed upon and that we are substantially carrying out that agreement, then it seems to me to be a case of justice.

Mr. HUNTON. It is precisely the case the gentleman from Ohio states. The committee reported unanimously this contract for rent was made, and proof of loyalty of the claimants is made by the Secretary of State, William M. Evarts.

Mr. GARFIELD. Was it made by the officer in charge of the mill?

Mr. HUNTON. I am not aware of that.

Mr. CALKINS. Allow me to say a word.

Mr. HUNTON. With pleasure.

Mr. CALKINS. I should like to know the name and rank of the officer?

Mr. HUNTON. Commissary Bell.

Mr. CALKINS. Whom was the contract made with?

Mr. HUNTON. With the agent of the owners, who was running the mill. They ran the mill by an agent and he made the contract. It seems to me, Mr. Chairman, the only question for this committee to consider is whether the committee has not allowed more rent than is proper. Upon the reading of this unanimous report they will find the rent is exceedingly small, because it says:

It will thus be seen that the net annual rent to claimants, fixing the gross rent at \$5,000, would be only \$3,280, from which sum taxes and insurance were paid by the owners.

That unanimous report states further that the committee are satisfied the claimants will receive a very inadequate return for their investment at the price allowed. They report to the House the amount of rent they have allowed these claimants is below what the property ought to have been rented for at the time. I do therefore hope there will be no objection to allow this small pittance.

Mr. EDEN. I wish to make one or two remarks in reply to what fell from my friend from Texas, [Mr. MILLS.] This claim is founded on entirely different principles from a claim arising upon the theater of war, where armies were marching and some days one party was in possession and some days the other party was in possession. The city of Alexandria was permanently in the possession of the Government of the United States a good many months before this contract was made and before this property was taken possession of. It is not a transaction arising on the theater of war at all, but it is a transaction arising within the lines, within the permanently established lines of the Government of the United States, which so continued for several months prior to the taking possession of this property and until the war closed. And I apprehend that in that condition of facts, in the case of a contract made by an officer of the Government for the use of property or even where the property was taken and used by the Government, we would be under just as much obligation to pay for it as we would be if the transaction had taken place in New York or in any of the northern States.

It is not a claim, I repeat, arising upon the theater of war, nor is

it a claim arising upon the taking of property in battle. The property was permanently within the jurisdiction of the Government of the United States from the time this transaction took place until the close of the war; and it occurs to me that these parties have just as much right in the premises as any other citizens of the United States would have. I cannot agree with my friend from Texas, that because we would pay for the renting of property used under these circumstances, we would therefore be under obligation to pay for the use of all the property that may have been taken on the theater of war. I think this stands upon an entirely different principle. It will be time enough, however, to discuss a question of that sort when it arises. This is a case between the Government of the United States and loyal citizens of that Government, and it has reference to property within the full and complete control and jurisdiction of the Government of the United States; and if we are bound by any contracts, it seems to me we are bound by this.

I wish now to refer to what was said by my friend from Indiana. He stated in the remarks which he made that he never would vote to pay for any claims of this sort arising in the seceded States. That was what was stated by the gentleman if I understood him correctly. Why, Mr. Chairman, we have paid millions upon millions of dollars for all sorts of supplies furnished to the Army and to the Navy in the insurrectionary States, and the claims have been paid when the claimants have proved their loyalty. That doctrine was established by law in 1871 when the bill was passed creating the Commissioners of Claims, that the people living in the insurrectionary or the seceded States, who had furnished the Government with supplies for the use of the Army or Navy, or where the supplies had been taken by the officers of the Government, should, on proof of their loyalty, be compensated, and millions on millions of dollars have been appropriated for the purpose of paying claims of that sort.

Now, upon what principle, I would like to know, should we pay those and reject the claim of loyal citizens living in the State of New York for the use of property in the city of Alexandria, which was at all times after the first few days of the war within the Union lines and within the jurisdiction of the Government of the United States?

Mr. MILLS. It seems to me very strange that both the gentlemen that have spoken in reply to what I have said have misunderstood me. I usually speak with a very clear and distinct enunciation, and I think I am usually understood by gentlemen in this Hall when I speak; and I am satisfied that nothing can be found in the notes of the reporter that will justify the remarks that have been made by the gentleman from Illinois, [Mr. EDEN.]

I never did contend and I never expect to contend that the Government of the United States owes a single solitary dollar to the people of the Southern States for anything that occurred during the war. I say that those people in the ashes of their desolation are too proud to ask a dollar from this House. But I do say that when the war is over the people of the Southern States stand on the same footing that the people of the Northern States do. The gentleman did not meet my objection, but set up a straw man and proceeded to knock him down.

Mr. Chairman, the question of loyalty is not a question to arise in this case. The only loyalty that can come into this case is the loyalty that every man feels to his own honor. I learned when a school-boy from a book familiar to many of you that chapter which begins with this exclamation, "Why am I bound to keep my word?" When the Government of the United States pledges its word it pledges its honor and the honor of every man who regards honor in the land.

I say, sir, when the last gun was fired in this unhappy conflict between brethren and kinsmen of the same country; when the last flag went down that represented the confederate government; when the last shot was fired; when the South returned to her allegiance to the Government, she came with the pledge of the Government that she should stand on equal terms with the citizens of any part of the country. And I say that when the Government took possession of that country with its Army and an officer, wearing the insignia of the Government on his shoulders, pledged his honor, on taking the property of the people of that country, to pay for it, the Government is bound in honor to pay for it. And when we refuse to do so we teach the people that there is virtue in repudiation. That I will never teach. We are now setting an example before the country that there is a virtue in repudiation; that under some circumstances a man may be false to his word and obligations.

Sir, I do not recognize that doctrine. I will do justice and redeem the pledges of the Government so far as my voice and vote are concerned, to everybody, it makes no difference whether he be a subject of the Queen of Great Britain or a citizen of the Republic of the United States. Wherever the Government pledges its word it ought to redeem it.

Mr. FRYE. I am glad to hear the gentleman from Texas give the silver men such a lecture. [Laughter.]

Mr. MILLS. Yes, we will redeem our pledges when we remonetize silver.

Mr. CONGER. From the report of this committee and from some personal examination I have given to the case in the last Congress, and the general statements that are made in regard to it, it would seem to be clearly within the rule adopted by the committee and by the House on former occasions. This seems to be one of that class of cases that may properly be considered and the amount allowed be



paid by the Government. But I remember that in examining this case I had some doubt whether the contract, as it is denominated, was one which would bind the Government or was intended to bind the Government.

Now, I disagree with the chairman of the Committee on War Claims—and I dislike to disagree with him on any legal proposition which should control from day to day all the action of that committee—in regard to the occupation of Alexandria by our troops; and in regard to the legal rule, the law of the case. Alexandria was a city in rebellion notoriously. It was the headquarters of armed men in rebellion and held by them as their headquarters. It was taken possession of by the Union troops, in a hostile expedition, by force; to be sure, it is true, without much resistance.

Mr. MARTIN. I want to suggest to the gentleman, that on the 20th of June, 1861, the government of Virginia was restored and Governor Pierpont, the loyal governor of Virginia afterward, took possession of Alexandria and remained there during the entire war until its conclusion, and then removed to Richmond. It was said to be a loyal State under the restored government, and I submit that it was not in rebellion after the date of this contract which began in December, 1861.

Mr. CONGER. The gentleman has made his little speech in mine, and it will either give character and notoriety to my speech or mine to his, so that one of us will gain an advantage. [Laughter.] But what the gentleman has said does not meet the proposition which I submitted. In the commencement of this war the other side of the river was occupied by confederates and this side by Union troops. An armed expedition passed over the river on the Long Bridge and took possession of certain points upon the river, and among them the city of Alexandria. It was taken possession of by a military force. It was captured territory, as all the property on the other side of the river was.

Mr. EDEN. I apprehend that the gentleman from Michigan [Mr. CONGER] did not precisely understand what my meaning was. I did not take the position that Virginia was not one of the seceding States, so called; but I did take the position that this identical territory where Alexandria is situated was taken possession of by the Government without any fight.

Mr. CONGER. Yes; we do not disagree upon that.

Mr. EDEN. And from that time forth until the close of the war it was continuously in the possession of the Union troops.

Mr. CONGER. We do not disagree about that.

Mr. TOWNSEND, of New York. I know that my friend Ellsworth lost his life at Alexandria by a bullet and the city was not taken possession of peaceably.

Mr. CONGER. I seem to be merely holding the floor for the benefit of others. [Laughter.] I would like now to take it in my own right, if the Chair pleases.

The CHAIRMAN. The gentleman will be protected in his right to the floor.

Mr. CONGER. The proposition of the chairman of the Committee on War Claims (and it is because the chairman made the proposition that I wish to call attention to it) was that this territory, at the time of the occupation of these mills by the Government, was in the possession of the United States. I admit that; we do not disagree upon that point. But it was territory captured by our armies, whether with a battle or without a battle, in the ordinary progress of the march onward into the enemy's territory, as we called it. That cannot be disputed. Alexandria was hostile territory.

Mr. EDEN. Will the gentleman allow me to interrupt him one time more?

Mr. CONGER. Well, one time more, so that there is some limit to it. [Laughter.]

Mr. EDEN. At the time this contract was made and this mill property taken possession of by the Government, is it not true that there was a civil government of the State of Virginia which governed this territory in Alexandria and was recognized by the Government of the United States as the lawful government of the State?

Mr. CONGER. That is true.

Mr. HUNTON. And is not another fact true—

Mr. CONGER. Well, I will admit that of the three facts which the gentleman is about to state two are true. [Laughter.]

Mr. HUNTON. If the gentleman will admit facts after I have stated them, that is all that I ask; not to admit them before they are stated, and, of course, before the gentleman can know what they are.

Mr. CONGER. Well, I am so easily embarrassed by these interruptions, [laughter]—

Mr. HUNTON. Is not this true, that about the time of the occupation of this property by the Federal Government, Abraham Lincoln, then President of the United States, issued his proclamation declaring rebellion to exist in certain States of the Union, but excepted from the operation of that proclamation the territory of Alexandria?

Mr. CONGER. Afterward; yes.

Mr. HUNTON. Now; about this time.

Mr. CONGER. Well, about that time; there or thereabouts. [Laughter.] Now, if I may be permitted to make one remark; and it has taken almost as long to come to the point which I wish to make

as it took our Army to go to Richmond. [Laughter.] I will not say from the same opposition, [renewed laughter,] although I believe my friend, the brigadier, was one of those who opposed us in the former case as he is opposing me now.

Mr. HUNTON. The only reason why it took so long for your Army to get to Richmond was that the gentleman from Michigan [Mr. CONGER] did not command it. [Great laughter.]

Mr. CONGER. I have been indebted so often for highly complimentary language from the gentleman that I accept it now as a matter of course. [Laughter.] But I am modest enough to say that one of the principal reasons which have occurred to me since I have been a member of this House why we were so long getting there was that the gentleman himself had command of the outposts, and living in the district he was familiar with all its approaches, and was mainly instrumental in keeping us away from there.

Mr. HUNTON. Not the gentleman, for I did not see him there. [Laughter.]

Mr. CONGER. And it is because the gentleman did not have the opportunity of opposing me then that he seems to have pledged himself whenever he became acquainted with me to oppose me; and he takes the opportunity now to do so in a more peaceful manner, I will admit.

Mr. FRYE. About as dangerous, though.

Mr. CONGER. About as dangerous to the gentleman, perhaps. [Laughter.]

Mr. HUNTON. I beg to state to the gentleman that he can go to Richmond now when he pleases.

Mr. CONGER. Oh, yes; I have just been there. Now, if gentlemen will possess their souls in patience for a minute, and allow me to make the proposition which I propose to make, I will be much obliged.

I was saying that this territory of Alexandria, in which this mill property is situate, was rebel territory, occupied in force and absolutely by the opponents of the Government of the United States in both a military and a civil capacity. It was captured or taken possession of by the troops of the United States. Alexandria as a city, with all its parts, its houses, its mills, its streets, was under martial law. Every portion of it, including the wharves which were used by the Government, these mills which were immediately put in operation by the Government while the city was under martial law, was captured property, and under the rules of the war it might have been so held until the end of the war, continually and without any possibility of reclamation by loyal men or disloyal men.

Now, that was the situation. There came a time when, it having been brought to the attention of the authorities that this property was owned by loyal men living in the North, their agent made application to the Government of the United States or to its authorized agents to make some arrangements to pay for the use of this property, for the use which the Government was then exercising by virtue of this capture under the laws of war. This arrangement was made, and whatever arrangement was made was under these circumstances.

Now, I am not opposing the passage of this bill, but I am opposing the theory of the gentleman from Illinois, the chairman of the Committee on War Claims, [Mr. EDEN,] because I think the propositions he has made in regard to this case, if applied to other cases, would be most dangerous, most alarming. At least I never understood in the last Congress that those propositions were of a kind which would have received the sanction of any member of the Committee on War Claims.

Now, sir, making this distinction between this claim and others, although President Lincoln did declare the State of Virginia was a State within the Union and for certain purposes recognized its governor as the governor of a State not at war with the United States, yet it was for a political purpose merely. The facts were against it. The occupation of all Virginia, as every one knows, was a military occupation, and the planting upon it of civil authority was, you might almost say, a military operation. In reference to the government of that State and its division, by which a portion of its territory was made into a new State, (which, under the Constitution, required the assent of the old State,) there is no southern man here who will dare meet me with the proposition that that was a simple compliance with the constitutional requirement by the free will of the old State of Virginia.

Mr. EDEN. Let me ask the gentleman a question.

Mr. CONGER. One word more. The gentleman from Illinois has occupied most of the time on this question. That being so, it requires, in my judgment, in such a case as this, that the committee should not only find the loyalty of the owners of this property, not only that it was occupied by the Government, but that it was of such and such a value to the Government; and they should find, in point of fact, it changed its relation; that the Government right to it was changed virtually by reason of this contract, for they had possession of the property and ran the mill and ground grain for the Army before any contract was entered into.

Mr. EDEN. As a member of the last Congress and as a member of the Committee on War Claims in that Congress, I ask the gentleman from Michigan whether he did not consent to a report substantially like this?

Mr. CONGER. The chairman of the Committee on War Claims will remember I did not object to it in the House. I do not know

whether I did in committee or not; and he will also remember we had many discussions on the relations of these parties to the Government while the property previously was in military occupancy.

Mr. EDEN. It would be difficult for my friend from Michigan to show an instance in the last Congress when he and I differed in reference to claims of this character.

Mr. CONGER. That is true, and it is because I thought the doctrine of the gentleman in regard to this case, simply because the property at the time being was within the territory occupied by our armies and under our control, should give the right to the owners to claim this compensation—

Mr. EDEN. Now let me interrupt the gentleman right here by asking whether this is not substantially the same report and bill, and whether my friend from Michigan has changed his opinion or not?

Mr. CONGER. I always doubted the validity of the contract in this case. It was only on the assumption of a new contract, that a new right of possession, a new right of occupancy was given by the contract, if it is to be authorized at all, and not because it was in territory occupied by the Federal troops.

Mr. EDEN. The gentleman does not answer my question. In the last Congress, as a member of the Committee on War Claims, he and I agreed on this question when the committee reported this identical bill to the House, and no objection was made to it either in the House or in the committee by my friend from Michigan.

Mr. CONGER. I will say to that, it was because it was at that time assumed the contract made with the Government was an absolutely new agreement, independent of any occupancy by our troops. To-day the chairman stated as the reason that it was within the territory held by the United States. Therefore I called attention to his remarks that there was no reason why that should not be paid any more than for any other property in the Northern loyal States.

Mr. EDEN. I did not put the right to recover in this case upon precisely the same ground my friend states. That was part of my argument in reply to the gentleman from Texas, who I understood held the doctrine that they had the same right anywhere in the South as here. The compensation in this case is put in the report upon the fact that an officer of the Government made the contract with the agent, if the owners were loyal, and upon the further fact that the Government had the exclusive use of the property during the war.

Mr. CONGER. I have stated over and over again that my opposition is not to the bill but to the proposition of the chairman of the committee, that this territory being in the occupation of the United States, parties there had the same right they had in the loyal States. I claim they had not the same right because it was captured territory and captured property. While I admit this claim should be paid, it should solely be upon the ground of the agreement and not from the fact the territory was then in the possession of the United States.

Mr. EDEN. If my friend will permit this bill to pass upon the ground that he himself is willing that it shall pass, I shall agree to discuss with him on some proper occasion hereafter whatever difference of opinion there may be between us on this question.

Mr. FORT. I move that the committee rise.

Mr. HUNTON. I hope the committee will not rise until this bill is passed. I only desire further, for the information of the committee, to state one fact.

Mr. FORT. Let us consider this at some other time. I insist on my motion.

The question being taken, there were—ayes 64, noes 71; no quorum voting.

Mr. FORT. I call for tellers.

Tellers were ordered; and Mr. FORT and Mr. HUNTON were appointed.

The committee again divided; and the tellers reported—ayes 80, noes 75.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole House had had under consideration the Private Calendar, and had directed him to report the bill (H. R. No. 224) for the relief of Thomas A. Nicholson to the House with a favorable recommendation.

THOMAS A. NICHOLSON.

The SPEAKER. The question is on the engrossment and third reading of the bill (H. R. No. 224) for the relief of Thomas A. Nicholson, reported by the Committee of the Whole on the Private Calendar with the recommendation that it do pass.

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

The question was on the passage of the bill; and being taken, there were—ayes 60, noes 27.

Several MEMBERS. A quorum has not voted.

Mr. ROBBINS. I hope that no further count will be asked for. This is a little bill to pay \$140 of a tobacco tax that was wrongfully got out of a man.

Mr. TOWNSEND, of New York. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 101, noes, 36.

So the motion was agreed to.

#### LEAVE OF ABSENCE.

Pending the announcement of the vote,

The SPEAKER submitted requests for leave of absence, as follows: from Mr. WARD, until January 21; from Mr. STEWART, for ten days; and from Mr. MACKEY, until Monday, 14th January.

Mr. ROBBINS. I object. I object to any further absenteeism in this House.

The result of the vote on the motion to adjourn was then announced; and accordingly (at four o'clock and twenty-five minutes p. m.) the House adjourned until Monday next.

#### PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BAYNE: The petition of Pennsylvania Salt Manufacturing Company, that no change be made in the tariff duties on soda and alum—to the Committee of Ways and Means.

By Mr. BOUCK: The petition of citizens of Wisconsin, that United States Treasury notes be made a legal tender for all Government dues—to the Committee on Banking and Currency.

Also, the petition of citizens of Kewanee County, Wisconsin, for the repeal of the bankrupt law—to the Committee on the Judiciary.

Also, the petitions of Hutchinson & Co., manufacturers of woollens, at Appleton, Wisconsin; of William Campbell & Sons, manufacturers of lumber, at Oshkosh, Wisconsin; and of Fox River Iron Company, and other manufacturers of agricultural implements, at West Depere, Wisconsin, that tariff duties remain unchanged until thoroughly investigated—to the Committee of Ways and Means.

By Mr. BOYD: The petition of S. H. Thompson and other grocers, of Peoria, Illinois, for a change in the manner of imposing duty on sugar—to the same committee.

By Mr. BREWER: A paper relating to the establishment of a post-route between Oxford and Romeo, Michigan—to the Committee on the Post-Office and Post-Roads.

Also, the petition of Andrew B. Travis, for an extension of his patent for his improvement in seed-drills and cultivators—to the Committee on Patents.

By Mr. COLE: The petition of George K. McGunigle, of Saint Louis, Missouri, for relief—to the Committee of Claims.

By Mr. CUTEER: The petition of George W. Hunt, administrator of Walter Hunt, deceased, for extension of reissue No. 5109 of the letters-patent of Walter Hunt for improvement in shirt-collars—to the Committee on Patents.

By Mr. EAMES: The petitions of Royal C. Taft, of Riverdale Mills Company, Providence, Rhode Island, and of the Greene & Daniels Manufacturing Company, Pawtucket, Rhode Island, that tariff duties remain unchanged until thoroughly investigated—to the Committee of Ways and Means.

Also, the petition of the Good Templars of Rhode Island, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

By Mr. FRANKLIN: The petition of James Brice, for compensation for property destroyed by Indians—to the Committee of Claims.

By Mr. FRYE: The petition of B. W. Houghton and others, ship-builders of Bath, Maine, that section 10 of an act approved June 6, 1872, be amended so that wire rope may be included in the articles therein enumerated—to the Committee of Ways and Means.

By Mr. FULLER: The petition of Christian Krats and others, for the reduction of the tariff on iron lap-welded tubes and flues—to the same committee.

Also, the petition of N. C. Allen and others, for the repeal of the bankrupt and resumption acts—to the same committee.

By Mr. GIDDINGS: Papers relating to the claim of Hyacinth de Saint Cyr for rent of and damages done to certain buildings by United States officials—to the Committee on War Claims.

By Mr. HARDENBERGH: Resolutions of the Board of Trade of Trenton, New Jersey, favoring the establishment of a governmental department of commerce—to the Committee on Commerce.

By Mr. HARMER: The petition of numerous inventors, patentees, mechanics, and manufacturers of the United States, for the abolition of the Patent-Office model system—to the Committee on Patents.

By Mr. HARRIS, of Massachusetts: A memorial of Stewart Sandersons, in relation to the construction of ships in the Navy of the United States—to the Committee on Naval Affairs.

Also, the petition of William Q. Baxter, of Milton, Massachusetts, for a pension—to the Committee on Invalid Pensions.

By Mr. HAYES: The petition of 266 citizens of Tonica, Illinois, for the remonetization of silver—to the Committee on Banking and Currency.

By Mr. HENKLE: Papers relating to the claim of C. C. Spaulding—to the Committee on War Claims.

By Mr. HUBBELL: Resolutions of the Michigan State Grange, favoring an appropriation for the construction of the Michigan Ship Canal—to the Committee on Commerce.

Also, the petition of W. E. McClentock, O. F. Cheeney, and other



citizens of Wancelah, Michigan, for the establishment of a United States court in the upper peninsula of Michigan—to the Committee on the Judiciary.

By Mr. HUNTON: Papers relating to the claim of the heirs of G. B. Horner—to the Committee on Military Affairs.

Also, papers relating to the claim of William Bushby—to the Committee on War Claims.

By Mr. KEIGHTLEY: Resolutions of the State Grange of Michigan, in relation to the Michigan ship canal—to the Committee on Commerce.

Also, resolutions of the Michigan State Grange, favoring a continuance of the tariff on foreign wools—to the Committee of Ways and Means.

Also, resolutions of the Michigan State Grange, relative to the patent laws—to the Committee on the Judiciary.

By Mr. KELLEY: The petitions of Alexander H. Rice and others, of Boston; of Brown Brothers & Co., and others, of New York, and of S. & W. Welsh, and others, of Philadelphia, Pennsylvania, that all persons, without preference, be given permission to establish telegraphic communication between the United States and foreign countries, and for the rejection of all applications for exclusive privileges—to the Committee on Foreign Affairs.

By Mr. KETCHAM: The petition of Mary Ann Hart, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Mary Long and Ellen S. Harding, that they be granted titles to certain property in Washington, District of Columbia—to the Committee for the District of Columbia.

By Mr. LUTTRELL: The petition of R. M. Clarkson and others, of California, for the establishment of postal savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MANNING: The petitions of Thomas J. Abston, Lewis Glenn, John Jobe Cooper, Milton Smith, James T. Craig, Robert P. Nutt, (agent for C. Nutt,) Caleb Cox, Benjamin L. Crum, (agent,) Isaac H. Cox, James B. Armor, Gabriel S. Matlock, M. D., Mrs. E. and Benjamin L. Crum, and John L. Crawford, of Benton County; of Andrew J. Miller, Mrs. Ruth McWharton, John T. Prather, Mrs. Eliza Morrow, Robert McAllisten, Mrs. Martha Davis, and Zachariah Tate, of Union County; of William H. Elliot, Samuel Huey, Samuel Guernsey, Joseph B. Fuller, Seeburn Jones, Ashley H. Wilson, Wade Cowan, Mrs. Martha W. Ray, and Joseph J. Whitten, of Tippah County; of Mrs. Matilda Duke, of Lafayette County, Mississippi, for stores and supplies taken by the United States Army—to the Committee on War Claims.

By Mr. MULBROW: The petitions of Alvin Nunnelee, James R. Cockrell, Samuel Billingsley, Mrs. Mary J. Pratt, John W. Younger, Thomas R. Fears, Samuel Knowby, William Brice, John Bowland, and Bluford Rice, of Lee County; of Hatch Whitefield, of Monroe County; of James B. Gladney, of Itawamba County; of Solomon J. Stezall and Mrs. Eleanor L. Morrow, of Pontotoc County, Mississippi, of similar import—to the same committee.

By Mr. PHELPS: The petitions of Malleable-Iron Fittings Company and Hammers & Co., of Branford, Connecticut, and of A. H. Merriman, of West Meriden, Connecticut, manufacturers of machinery, that tariff duties remain unchanged until thoroughly investigated—to the Committee of Ways and Means.

Also, the petition of the New Haven Engineering Society, for the introduction of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, the petition of L. W. Armstrong and others, of New Haven, Connecticut, and of E. E. Hubbell & Sons and others, of Bridgeport, Connecticut, for a change of the rate of duty on sugar, &c.—to the Committee of Ways and Means.

By Mr. PHILLIPS: The petition of J. C. Irwin, for relief—to the Committee on Military Affairs.

By Mr. POLLARD: Papers relating to the claim of W. H. H. Hatfield—to the Committee on War Claims.

By Mr. REED: The petition of W. K. Dana, manufacturer of warps, at Saccarappa, Maine; one of Union Lace Company and other manufacturers of laces, &c., at Kennebunk, Maine, that tariff duties remain unchanged until thoroughly investigated—to the Committee of Ways and Means.

By Mr. RIDDLE: The petition of T. W. Golladay, for compensation for services under the Doorkeeper of the House of Representatives during the electoral count in 1877—to the Committee of Claims.

By Mr. SCHLEICHER: The petition of Groos & Giesecke, manufacturers of woollens, at New Braunfels, Texas, that tariff duties remain unchanged until thoroughly investigated—to the Committee of Way and Means.

By Mr. SHALLENBERGER: The petition of C. M. Reed and other citizens of Washington, Pennsylvania, for an extension of time for the completion of the Northern Pacific Railroad—to the Committee on the Pacific Railroad.

By Mr. SWANN: The petition of Charles Reddehore, for bounty—to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of New York: The petition of Andrew J. Morrison, for a pension—to the same committee.

By Mr. WATSON: The petition of Davenport, Fairbairn & Co., and other manufacturers, at Erie, Pennsylvania, that tariff duties remain unchanged until thoroughly investigated—to the Committee of Ways and Means.

By Mr. WILLITS: The petition of J. H. Hamel and 172 other citizens of Hillsdale, Michigan, for the repeal of the resumption act and the remonetization of the silver dollar—to the Committee on Banking and Currency.

By Mr. WILSON: The petition of Riverside Iron Works Company at Wheeling, West Virginia, that tariff duties remain unchanged until thoroughly investigated—to the Committee of Ways and Means.

By Mr. YOUNG: Papers relating to the claims of the city of Memphis, Tennessee, Washington G. Campbell, and J. J. Pulliam, for compensation for property taken, used, and destroyed by the United States Army—to the Committee on War Claims.

Also papers relating to the pension claim of James G. Williams—to the same committee.

## IN SENATE.

MONDAY, January 14, 1878.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.  
The Journal of the proceedings of Thursday last was read and approved.

### EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, recommending to Congress, in view of the provisions of the act of March 3, 1877, that when another appropriation is made for the publication of the official records of the rebellion provision be made in express terms for the rent of an office, as the public building now used needs many repairs and is unsuitable for the purpose; which was referred to the Committee on Public Buildings and Grounds.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of the Senate of December 11, 1877, a letter of the Commissioner of Indian Affairs, making a statement of the facts in regard to the location of the bounds of the Ute and Apache Indians at Cimarron, New Mexico, and inclosing copies of all letters, telegrams, and documents on file in relation to the depredations of these Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting, for the information of the Committee on Military Affairs, a report of Assistant Adjutant-General Thomas M. Vincent on Senate bill No. 386, to extend the time for presenting claims for collecting, drilling, and organizing volunteers during the war of the rebellion; which was referred to the Committee on Military Affairs, and ordered to be printed.

### PETITIONS AND MEMORIALS.

Mr. KERNAN presented the memorial of the Chamber of Commerce of the State of New York, praying the passage of a law by which errors in the assessment and collection of duties on imports, whether in favor of or against the Government, may be equitably adjusted, and proposing a bill for that purpose; which was referred to the Committee on Finance.

Mr. KERNAN. I present the petition of more than a thousand bankers, merchants, manufacturers, and traders of the city of New York, praying for the repeal of the bankrupt law. I have examined this petition and believe that these business firms and people give correctly their numbers, that the signatures are genuine, and they are honorable petitioners. I beg leave simply to state that they indicate that the original intent of the bankrupt law was to effect a prompt and equitable division of the bankrupt's estate among his creditors, and to afford relief to honest and unfortunate debtors, and to those only. They find, however, in practice that it does not prevent fraudulent preferences and the possibility of getting a discharge without payment in full; that it is a constant temptation to dishonest persons to contract large debts and then seek a discharge under this act or a compromise on part payment. They say that "the honest debtor who through adversity becomes unable to pay his debts seldom resorts to the relief afforded by this act. His creditors, as a rule, are liberal in granting him an extension of time to pay his obligations or in compromising their claim." They state that "although the act was intended to effect an inexpensive and speedy distribution of the bankrupt's estate, in practice, however, it is a well-known fact that the dividends to creditors are exceedingly small and the payment thereof long delayed." Upon this point they state that "careful estimates have revealed the fact that the average percentage of dividends from the estate of bankrupt merchants, prior to the passage of this act, was about 35 per cent., and that since its passage its average has been reduced to about 10 per cent." They state that in their opinion "the practical effect of the bankrupt law has been to destroy confidence on the part of capitalists and to damage the credit system." Therefore, they say, "as an actual consequence, capital accumulates in the money centers, it stagnates there, causing paralysis in nearly all the great productive industries of the country." I move that this petition be referred to the Committee on the Judiciary.

The motion was agreed to.