

Port, Maine, for further distribution of the Geneva award—to the Committee on the Judiciary.

Also, the petition of the Woman's Christian Temperance Union of Maine, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. HALL: The petition of David B. Curran and 18 others, citizens of New Hampshire, for the passage of a bill equalizing bounties—to the Committee on Military Affairs.

By Mr. BENJAMIN W. HARRIS: The petition of Henry J. Rodgers, for compensation for the use of the Rodgers' code of signals—to the Committee on Naval Affairs.

By Mr. HAWK: The petition of citizens of Stephenson County, Illinois, for the amendment of the patent laws so as to make the manufacturer and vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of citizens of Stephenson County, Illinois, for relief from excessive rates of transportation of freights and passengers by railways—to the Committee on Railways and Canals.

By Mr. HUNTON: The petition of Charles C. Simms, for the removal of his political disabilities—to the Committee on the Judiciary.

By Mr. HUTCHINS: Memorial of Elbridge T. Gerry, president of the New York Society for the Prevention of Cruelty to Children, in relation to certain Chinese children—to the Committee on Foreign Affairs.

By Mr. KELLEY: The petition of Robert W. Simmons, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. MANNING: Papers relating to the claim of the estate of J. R. Bowles, for pay for property taken by United States authorities during the late war—to the Committee on War Claims.

By Mr. BENJAMIN F. MARTIN: The petition of A. J. Strosnider and others, for the equalization of the bounty of soldiers of the late war—to the Committee on Military Affairs.

By Mr. EDWARD L. MARTIN: Six petitions of citizens of Sussex County, Kent County, and of other citizens of Delaware, against transportation monopolies and for uniform freight rates—to the Committee on Commerce.

Also, two petitions of citizens of Delaware, for the amendment of the patent laws so as to make the manufacturer and vendor of patented articles alone liable for infringement—to the Committee on Patents.

By Mr. McGOWAN: The petition of Everett and Monroe, George J. Lange, and others, citizens of the United States, honorably discharged soldiers, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. McLANE: The petition of the Grand Temple of Honor and Temperance of Maryland and the District of Columbia, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. McMAHON: The petition of John A. McMahon, that a pension be granted William Harris—to the Committee on Invalid Pensions.

By Mr. MILES: The petition of the Grand Division of the Sons of Temperance of the State of Connecticut, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

Also, two petitions of citizens of Litchfield County, Connecticut, that manufacturers and vendors of patented articles alone be made responsible for infringements—to the Committee on Patents.

Also, two petitions from citizens of Litchfield County, Connecticut, for such laws as will alleviate the oppressions imposed by transportation monopolies—to the Committee on Commerce.

By Mr. MILLS: The petition of Paul Bremond, president of the Houston East and West Texas Railroad Company, for the reduction of the duty on steel rails to \$10 per ton—to the Committee of Ways and Means.

By Mr. NICHOLLS: The petition of the Grand Lodge of Good Templars of Georgia, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. O'CONNOR: The petition of freedmen, depositors in the Freedman's Savings and Trust Company at Wilmington, North Carolina, for the passage of the bill to return to the freedmen of the South their savings deposited with the Freedman's Savings Trust Company—to the Committee of Ways and Means.

By Mr. ORTH: The petition of the Grand Lodge of Good Templars of the State of Indiana, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. OVERTON: The petition of Daniel Vanauken and 31 other soldiers, of Susquehanna and Wyoming Counties; of William Hewitt and 39 other Union soldiers, of Bradford County, Pennsylvania, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. PHISTER: A paper relating to the pension claim of Aaron Barton—to the same committee.

By Mr. POEHLER: The petition of T. A. Thompson and others, citizens of Wabasha County, Minnesota, for such legislation as will alleviate the oppressions imposed upon the people by transportation monopolies—to the Committee on Railways and Canals.

Also, the petition of T. A. Thompson and others, citizens of Wabasha County, Minnesota, for the amendment of the patent laws so

that innocent users of patented articles may be protected—to the Committee on Patents.

By Mr. PRICE: The petition of the Woman's Christian Temperance Union of Iowa, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. REAGAN: The petition of J. A. Hayward and others, for the removal of obstructions to the navigation of the Lower Sabine and Neches Rivers in Texas—to the Committee on Commerce.

By Mr. REED: The petition of Albert Mawrick and others, of Portland, Maine, for a harbor of refuge at Scituate, Massachusetts—to the same committee.

Also, the petition of C. S. Pennell and others, of Brunswick, Maine, for the distribution of the balance of the Geneva award—to the Committee on the Judiciary.

By Mr. JOHN S. RICHARDSON: The petition of colored citizens of Sumter County, South Carolina, that Congress return to the freedmen their savings deposited with the Freedman's Savings and Trust Company—to the Committee on Ways and Means.

By Mr. JAMES W. SINGLETON: The petition of J. H. Dawson and other soldiers, of Pike County, Illinois, for the passage of the Weaver bill—to the Committee on Military Affairs.

Also, the petition of George W. Ware, H. C. Goodrich, and others, citizens of Jersey County, Illinois, that the "boys" who stayed at home during the rebellion supporting widows and orphans shall be first compensated, and if there be any money left in the Treasury thereafter that it shall be given to the "army that subdued the rebellion"—to the Committee on War Claims.

By Mr. STONE: The petition of Birney Hayt, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. TUCKER: The petition of citizens of Buckingham County, Virginia, for a post-route from Buckingham Court House, via Slate River Mills, Well Water, and Centenary, to Scottsville, Virginia—to the Committee on the Post-Office and Post-Roads.

By Mr. URNER: The petition of James F. Poole, for pay for property accidentally consumed by fire while in the occupation of United States troops during the late war—to the Committee on War Claims.

By Mr. VANCE: The petition of the Grand Lodge of Good Templars of the State of North Carolina, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. VAN AERNAM: The petition of 23 ex-Union soldiers, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of 40 ex-Union soldiers and sailors of Olean, New York, for such action on the Weaver bill as will mete out exact justice to Union soldiers and sailors of the late war—to the Committee on Military Affairs.

By Mr. WARNER: The petition of L. D. Bean and 16 other soldiers, of Canaanyville, Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. WASHBURN: The petition of David McCauley and others, that the lands of Fort Abercrombie reservation be opened to homestead and pre-emption entries the same as other public lands—to the Committee on Public Lands.

Also, the petition of E. F. Drake, president of the Saint Paul and Sioux City Railroad Company, for a reduction of the duty on imported steel rails—to the Committee of Ways and Means.

By Mr. WILLIS: Papers relating to the claim of E. B. Clark to be refunded taxes illegally collected by officials of the District of Columbia—to the Committee for the District of Columbia.

By Mr. WILLITS: The petition of Peter Clark, S. C. Randall, and 36 others, ex-soldiers of Dundee, Michigan, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

## IN SENATE.

THURSDAY, January 22, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

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

### PETITIONS AND MEMORIALS.

Mr. HAMILIN. I present the petition of Thomas J. Stewart and others, citizens of Bangor, Maine, who represent that they are interested in the balance of the Geneva award fund, and praying that some bill be passed during the present session for the distribution of the money remaining of said fund. I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. HAMILIN. I present another and like petition, signed by Phineas Pendleton and others, citizens of Searsport, in the State of Maine. I ask that it be referred to the Committee on the Judiciary, and I want to express again my hope that we may have a report from the committee at as early a day as possible. Whatever that report may be, if we can have the subject before the Senate in time for the Senate to consider it and for Congress to come to a conclusion, we shall be doing but an act of justice.

The VICE-PRESIDENT. The petition will be referred to the Committee on the Judiciary.

Mr. JONAS presented the petition of the Grand Temple of Honor and Temperance of the State of Louisiana, officially signed, representing ninety-five members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. GROOME presented the petition of the Grand Temple of Honor and Temperance of Maryland and the District of Columbia, officially signed, representing between two hundred and three hundred members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. WALLACE presented the memorial of William Lyons and others, citizens of Pennsylvania and soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented the petition of A. W. Raymond and others, citizens of Pennsylvania and soldiers in the late war, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. INGALLS presented the memorial of John W. Ellsworth and others, citizens of Kansas and soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented the petition of George L. Turner and others, citizens of Kansas and soldiers in the late war, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 83) donating condemned cannon to the Morton Monumental Association, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 55) granting a right of way across Water Shops Pond, in Springfield, Massachusetts, to the Springfield and New London Railroad Company;

A bill (H. R. No. 2053) authorizing the assistant treasurer of the United States at New York to waive the enforcement of section 3477 of the Revised Statutes so far as the same affects certain drafts upon him now held by the Masonic Bank of Pittsburgh, Pennsylvania;

A bill (H. R. No. 3518) authorizing the importation of articles for exhibition at the millers' international exhibition, to be held at Cincinnati in 1880, free of duty; and

A bill (H. R. No. 2790) authorizing the Secretary of the Treasury to appoint a deputy collector at Seaford, Sussex County, Delaware, and for other purposes.

#### REPORTS OF COMMITTEES.

Mr. WALLACE, from the Committee on the Revision of the Laws, to whom was referred the bill (S. No. 523) for the relief of Charles H. Nicholls, late superintendent of the Government Hospital for the Insane, reported it without amendment.

Mr. WALLACE. I am also directed by the Committee on the Revision of the Laws, to whom were referred the amendments of the House of Representatives to the joint resolution (S. R. No. 19) to provide for the publication and distribution of a supplement to the Revised Statutes, to recommend concurrence in the amendments of the House with amendments. I ask that the Senate now proceed to the consideration of the subject.

The VICE-PRESIDENT. The joint resolution will be reported.

The Chief Clerk read the joint resolution.

Mr. EDMUND. Fifty cents a copy is a pretty heavy charge on the consumer.

Mr. WALLACE. The committee recommend paying to the reviser a specific sum for his copyright, and for the indexing and clerical work, and the Government shall then have it. The joint resolution provides that the Secretary of State shall make a *pro rata* distribution.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution with the amendments?

Mr. EDMUND. I rather think it had better be printed as now proposed to be amended. It can be taken up to-morrow. There are amendments to the House amendments, I understand.

Mr. WALLACE. Very well. I move that the amendments of the Senate committee be printed.

The motion was agreed to.

Mr. EDMUND. I am in favor of the general proposition, most decidedly.

Mr. GROOME, from the Committee on Claims, to whom was referred the bill (S. No. 996) for the relief of Monroe Donoho, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 715) for the relief of N. Boyden, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. VOORHEES, from the Committee on the Library, to whom the subject was referred, reported a bill (S. No. 1117) to provide additional accommodations for the Library of Congress; which was read twice by its title.

Mr. GORDON, from the Committee on Commerce, to whom were referred the bill (S. No. 835) directing the removal of obstructions from the harbor at the Delaware breakwater, and the bill (S. No. 493) directing the removal of obstructions from the harbor at the Delaware breakwater, reported that the bills ought not to pass, the subject having been provided for by a measure already passed; and the bills were postponed indefinitely.

He also, from the same committee, to whom was referred the petition of William Collins, of Waldo, Maine, praying payment of certain moneys alleged to be due him as bounty for services on the schooner Sarah Franklin, employed in the cod-fishery in the year 1866, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

He also, from the Committee on Commerce, to whom was referred the bill (S. No. 420) for the relief of George H. Plant, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. ANTHONY, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1075) to authorize Dr. Daniel M. Appel, of the United States Army, to receive pay for discharging the duties of physician to the Mescalero Apache Indian agency, New Mexico, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. WHYTE, from the Committee on Printing, to whom was referred the bill (S. No. 887) to authorize printing at the Government Printing Office for members of Congress, reported adversely thereon, and the bill was postponed indefinitely.

#### PRINTING FOR THE LAND COMMISSION.

Mr. WHYTE. I am instructed by the Committee on Printing to report back favorably the joint resolution (H. R. No. 145) authorizing certain printing for the land commission, and I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Public Printer to print, upon requisition of the chairman of the public land commission, created by the act of March 3, 1879, for the purpose of codifying the laws relating to the public lands, and for other purposes, such letters, testimony, and documents as may be necessary for the performance of the duties prescribed for the commission. The cost of such printing is not to exceed \$2,000, and the number of copies printed of the letters, testimony, and documents is not to exceed two hundred.

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

#### SIGNAL OFFICE REPORT.

Mr. WHYTE. I am instructed by the Committee on Printing to report back favorably, with an amendment, the joint resolution (S. R. No. 56) authorizing the printing and binding of additional copies of the report of the Chief Signal Officer of the Army, and I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment reported by the Committee on Printing was, in line 4, to strike out "ten" before "thousand" and insert "five;" so as to make the joint resolution read:

That the Public Printer be, and he is hereby, authorized to print and bind, for the use of the Signal Office, 5,000 additional copies of the annual report of the Chief Signal Officer for the year 1879; and the Public Printer is authorized to contract for the illustrations with the person now furnishing the illustrations for the congressional edition.

The amendment was agreed to.

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

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

#### BILLS INTRODUCED.

Mr. CAMERON, of Pennsylvania, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1101) for the relief of Charles W. Foulke; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1102) for the relief of Jacob Dundore; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1103) for the relief of Manly B. McNilt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1104) for the relief of certain parties on account of labor, material, and money furnished in the construction of the revenue-cutter Thomas Corwin; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1105) to protect and promote the naviga-

bility of the navigable rivers of the United States, and to prevent the deposit of sawdust or other material in said rivers to the injury of navigation, and to punish persons guilty of depositing such material therein; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1106) authorizing the construction of a bridge across the Willamette River between the city of Portland and the city of East Portland, in Multnomah County, State of Oregon; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1107) to authorize the State of Florida to incorporate the agricultural college and seminary fund donated by Congress with the common-school fund of the State; which was read twice by its title.

Mr. CALL. I move that the bill be referred to the Committee on the Judiciary.

Mr. MORRILL. I think the bill should be referred to the Committee on Education and Labor.

Mr. CALL. I moved the reference of the bill to the Committee on the Judiciary on the ground that it involves a question of law, whether it is competent to have such legislation as the bill provides. I think it would be necessary to be examined in that point of view by the Committee on the Judiciary at some stage of the proceeding.

Mr. MORRILL. I do not object to its being referred to the Committee on the Judiciary from any apprehension of the results that may be arrived at; but it is a proposition that, it seems to me, naturally belongs to the Committee on Education and Labor.

The VICE-PRESIDENT. Does the Senator from Vermont make a motion?

Mr. MORRILL. I will move to have the bill referred to the Committee on Education and Labor.

The question being put, a division was called for; and the ayes were 11—

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

The yeas and nays were ordered.

Mr. CALL. Before the question is voted on I will state the reason why I moved the reference of the bill to the Committee on the Judiciary.

An act of Congress provided for the donation of certain quantities of land to the State of Florida for certain educational purposes. One of those purposes was that there should be established two seminaries of education in the State—one in East and the other in West Florida. By an act of the Legislature of Florida, passed many years ago, the act of Congress was sought to be carried into effect. Recently the Legislature of the State made a request by resolution that a bill should be introduced into Congress asking the consent of Congress to another and a different direction of the fund.

A question of vested rights arises between the two seminaries, which were located and have for many years been in operation in the State, and the action now sought by the State and carried into effect by the bill which I have just introduced in pursuance of the resolution of the Legislature of the State. I am myself of opinion that it is entirely incompetent for Congress to pass an act of this description and give away rights which have become vested in particular individuals and bodies of men under an act of Congress providing for such direction years ago; and in order that this question of law—

Mr. MORRILL. If the Senator will permit me, I did not understand the scope of the proposition contained in the bill from hearing the title of it read. I withdraw my motion.

The VICE-PRESIDENT. If there be no objection, the yeas and nays having been ordered, the motion will be considered withdrawn, and the bill referred to the Committee on the Judiciary.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1108) to provide for the further distribution of the moneys received under the Geneva award; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1109) for the relief of Anthony Lawson; which was read twice by its title, and referred to the Committee on Claims.

Mr. WINDOM (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1110) for the relief of the American Grocer Association of the city of New York; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1111) for the relief of George T. Marshall; which was read twice by its title, and referred to the Committee on Finance.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1112) to transfer the military reservation at Fort Ransom, Dakota Territory, to the custody and control of the Interior Department; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WITHERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1113) granting a pension to Peter K. Morgan; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1114) granting a pension to Luman Case; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1115) for the relief of William H. Rogers; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1116) to amend title 32, chapter 6, of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1118) for the relief of George S. Tramel; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1119) for the relief of Winfrey N. Swayne; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HOAR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1120) for the relief of Mrs. Mary S. Porter; which was read twice by its title, and referred to the Committee on Claims.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 67) to authorize the Secretary of War to sell or lease to the Port Huron and Northwestern Railway Company a portion of the Fort Gratiot military reserve, and to authorize the city of Port Huron to grant to said railway company the right of way through Pine Grove Park; which was read twice by its title, and referred to the Committee on Military Affairs.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WITHERS, it was

*Ordered*. That the papers in the claim of John S. Worthington, of Fairfax County Virginia, be taken from the files of the Senate and referred to the Committee on Claims.

*Ordered*. That the papers in the claims of Methodist Episcopal churches of Arlington, Falls Church, Fairfax Court House, Dumfries, and Mount Crawford, in Virginia, be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. GROOME, it was

*Ordered*. That the papers relating to the claim of Clement D. Hill be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. WHYTE, it was

*Ordered*. That leave be granted to withdraw the petition of Elizabeth Joins, widow of John Joins, late a sailmaker in the United States Navy, praying to be allowed a pension.

#### CONTRACTS FOR INDIAN SUPPLIES.

Mr. TELLER. I desire to introduce a resolution this morning and to ask for its immediate consideration. I also wish to give the reasons, in a few words, why I present it.

The resolution was read, as follows:

*Resolved*. That the Secretary of the Interior be, and he is hereby, directed to inform the Senate whether at any time since March 4, 1877, any contract to furnish Indian supplies of any kind or character has been made with any member of the board of Indian commissioners, or with any firm or corporation with which any member of said board was at that time connected or interested in, and if any such contract was made, with whom it was made, at what time, and the terms of said contract.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. TELLER. I desire to say that I do not by the resolution charge any member of the board of Indian commissioners with having received a contract for Indian supplies; but the charge has been made, it has gone out to the country, that this board, or at least some members of it, have had contracts for the furnishing of Indian supplies within the last two years. As by the statute it is made the special duty of this board to see that the contracts are properly made, and that the money which is appropriated by Congress shall be properly devoted to the purposes for which it is appropriated, it seems to me that such a charge made against this board is one that ought to be immediately investigated. It is impossible for any Senator to say whether there is truth in the charge or not. Therefore I call upon the proper authorities, who have the proof if any such contract has been made, to furnish us the proof, if any such exists. If there are no such contracts, if none such have been made, then the public ought to know that the charge is false which has been made against this board, who are designated in the statute as being men selected on account of their intelligence and philanthropy. I repeat, that I make no charge against the board; I am anxious to arrive at the truth in the matter.

The resolution was agreed to.

#### RAILROAD LAND GRANTS.

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

*Resolved*. That the Secretary of the Interior is instructed to furnish to the Senate such information as is contained in the books and papers of the Interior Department in answer to the following inquiries:

1. What grants of public lands made by acts of Congress to railroad companies, or to States or Territories in aid of such companies, remain incomplete by reason of the failure of the grantees or the beneficiaries to comply with the terms or conditions of such grants.

2. In cases, if any, where there has been a partial compliance with the terms or conditions of the grants, to what extent has there been such compliance, and to what extent is there a just cause for declaring the forfeiture of the grants; and what reasons of justice, equity, or of public faith or public policy are there why Congress should abstain from declaring a forfeiture of such grants in whole or in part?

3. In cases where the States or companies to which land grants have been made for the benefit of railroads and a just cause of forfeiture exists; where *bona fide* conveyances have been made to purchasers for value, what proportion, as near as may be, of the lands so granted, have been sold to such purchasers, and what further legislation, if any, is necessary to secure to such persons their full, equitable right to such lands.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 83) granting condemned cannon to the Morton Monumental Association, was read twice by its title, and referred to the Committee on Military Affairs.

ADJOURNMENT TO MONDAY.

Mr. CAMERON, of Pennsylvania. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The question being put, a division was called for; and the ayes were 30—

Mr. EATON. We may as well have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 21; as follows:

YEAS—30.

Allison,	Cameron of Pa.,	Ingalls,	Saunders,
Anthony,	Davis of Illinois,	Johnston,	Sharon,
Bayard,	Davis of W. Va.,	Jones of Florida,	Voorhees,
Beck,	Dawes,	Kirkwood,	Whyte,
Booth,	Edmunds,	McMillan,	Windom,
Bruce,	Gordon,	Morrill,	Withers.
Burnside,	Hamlin,	Platt,	
Butler,	Hereford,	Pryor,	

NAYS—21.

Baldwin,	Garland,	Morgan,	Walker,
Blair,	Groome,	Paddock,	Wallace,
Cockrell,	Harris,	Randolph,	Williams
Eaton,	Jonas,	Ransom,	
Farley,	Kernan,	Slater,	
Ferry,	Maxey,	Teller,	

ABSENT—25.

Bailey,	Grover,	Lamar,	Saulsbury,
Blaine,	Hampton,	Logan,	Thurman,
Call,	Hill of Colorado,	McDonald,	Vance,
Cameron of Wis.,	Hill of Georgia,	McPherson,	Vest.
Carpenter,	Hoar,	Pendleton,	
Coke,	Jones of Nevada,	Plumb,	
Conkling,	Kellogg,	Rollins,	

So the motion was agreed to.

UNITED STATES NOTES AS A LEGAL TENDER.

The VICE-PRESIDENT. The morning hour has expired, and the order of the day is the joint resolution (S. R. No. 49) in relation to United States Treasury notes, which is before the Senate as in Committee of the Whole, and on which the Senator from Texas [Mr. COKE] is entitled to the floor.

Mr. COKE. Mr. President, if a proposition were made now for the first time to issue Treasury notes with the legal-tender quality, or if it were proposed to increase the existing volume of such notes by a new issue, believing as I do that the Constitution of the United States confers upon Congress no power to make any character of paper, or to recognize any other than gold and silver money a tender for payment of private debt, I would unhesitatingly oppose it. But when it is proposed to strike down the legal-tender quality of the \$346,000,000 of Government notes heretofore issued and now in circulation a different question is presented. Either of the two first propositions would involve a constitutional question which cannot arise in considering the latter. The power of Congress to provide for the issuance of the legal-tender notes now in circulation was fully debated and considered in 1862, when the first of the series of acts under which they were issued was passed. The action of the law-making power has been decided repeatedly by the Supreme Court of the United States and by the supreme courts of all the States to be in harmony with the Constitution, and the Treasury notes of the United States to be a lawful tender for private debt. These decisions by the legislative, executive, and judicial departments of the Government, national and State, have been accepted by the country, and for nearly twenty years these notes have been almost the only currency in circulation among the people. No question of their constitutionality exists in the public mind, nor in any department of the Government, for the plain and sufficient reason that all questions of this sort have been conclusively settled by every tribunal in existence in this country, commencing with the great body of the American people and running through all the ramifications of their State and national governments, and are in every possible form *res judicata*.

It makes no difference that the "war powers" of the Government were invoked by these tribunals to sustain this issue of paper, nor that necessity in a great crisis constrained its sanction; it is none the less a fact that it has been sanctioned, and that fact is imbedded and concreted in the political, financial, and industrial history of the country.

Constitutional objections to the methods through which slavery was abolished, the Thirteenth, Fourteenth, and Fifteenth amendments were adopted, and to the manner in which West Virginia was erected into a separate State out of the territory of old Virginia, could as

well be heard and would be no less absurd than similar objections to the original issuance of legal-tender notes. If it were admitted that it was originally unconstitutional, it is no more so than very many other infractions of the Constitution since 1862, through which changes have been ingrafted on our Government, which have become so interwoven with the texture of our institutions that, with one accord, all men of all parties would denounce any attempt to reopen them for discussion and correction. None of these changes have been more thoroughly acquiesced in and accepted than that relating to the legal-tender Treasury notes now in circulation; none of them have more fully the sanction of prescription from lapse of time and official and popular acceptance, none of them have affected the great body of the people in their daily business affairs to a greater extent, and none of them would in its ultimate consequences bring greater detriment to the public interests if opened for readjustment, than will, in my judgment, ensue from a re-opening of this. The greenback legal-tender currency is one of the results of the war, and, whether rightly or wrongfully created originally, is no more a legitimate subject of inquiry now than the other great fundamental facts evolved from that memorable struggle, of much more doubtful constitutional origin, but which are universally and rightfully accepted because accomplished. For one I will not single out this measure from the mass of changes which occurred during that period of social, industrial, and constitutional revolution for reconsideration, but will let that, as well as the others, rest where the upheaval left them, to be disturbed, if at all, by the Supreme Court. It is true we have peace now, but it is a peace freighted heavily with the burdens of war. Our great war debt, which hangs like a millstone around the necks of the people, must be paid. If this and other results of the war have surrounded the country with conditions which make it inexpedient and unwise to interfere with the currency made necessary by the stress of war, I hold it to be our plain duty to allow it to remain as it is. But, sir, there is a constitutional provision which protects the legal-tender notes from demonetization in the mode proposed, and expressly sanctions them as lawful money. They are a part of the public debt; the laws under which they were issued provided for their reissuance, with the legal-tender quality as originally issued, as fast as they should come into the Treasury. Every holder of one of these notes has the guarantee of the fourth section of the Fourteenth amendment to the Constitution of the United States, that "the validity of the public debt of the United States \* \* \* shall not be questioned."

The public debt consists of various kinds of Government obligations. Bonds are one kind, some due at one time, some at another; some bearing one rate of interest and some another; some payable in coin and some in lawful money. United States notes are another variety of Government obligations, bearing no interest, no time fixed for their redemption or payment, and possessing the quality of being a legal tender in payment of all debt, public and private, except duties on imports. The Government in respect to bonds has bound itself to pay interest at a stated rate, at a stated time, and in a stated species of money. This obligation of the Government has, by the acceptance of the holders, become a contract, and the "validity" of this contract to pay the agreed interest at the agreed time and place, and in the agreed character of money to the holder, is the thing which under the constitutional amendment cannot be questioned; that is to say, the Government is not permitted to question the validity of any one of these stipulations, which in the aggregate constitute a valid debt or obligation. So of the United States notes: the Government agrees to pay the amount named in the note with no interest and at no stated time, but that the note shall be a legal tender at its face value in payment of all debts, public and private, except duties on imports. To destroy the legal-tender quality is of course to destroy one of the essential and therefore binding stipulations of the contract and invalidate so much of the "public debt," which is forbidden. As long as the note remains outstanding unpaid, the legal-tender quality inheres in it, because such is the contract between the holder and the Government, and its validity cannot be "questioned."

The stipulations as to the debt-paying power of these notes to be found in the law under which they were issued, and indorsed on the notes, are as binding upon the Government as are its obligations to the holders of bonds, and Congress can no more annul the legal-tender quality of the Treasury note than it can change the rate of interest or the time of payment of Government bonds. They are both contracts with the Government, both "public debt," and the validity of each in accordance with the terms of the respective contracts is prohibited, by the constitutional provision referred to, from being "questioned."

The Fourteenth amendment became a part of the Constitution on the 28th day of July, 1868, and that part of the "public debt" evidenced by the legal-tender notes of the United States was then in circulation as money, with all the money attributes it now possesses, and its validity with those attributes having been guaranteed by that amendment, it has unquestionably since been constitutional money if it had not been before, and will remain such until Congress shall see fit by law to order it in for redemption and retirement. Congress may, if deemed expedient, call in these notes, pay them, and reissue them without the legal-tender quality, but cannot demonetize them in the hands of the people unless after due notice and a reasonable time given they fail to bring them in for payment. By its terms the resolution of the Senator from Delaware is to take

effect "from and after" its passage, and, if adopted, at that instant, without giving notice to the people to bring these notes in for redemption, would destroy in their hands four-fifths of its power as money, would annul the stipulations of the contract between the holders and the Government, and, so far as congressional action could do it, would invalidate \$346,000,000 of the public debt. It would, I respectfully submit, be an act of the most flagrant and indefensible bad faith, even if no constitutional provision were violated—such an act as, perpetrated on the holders of interest-bearing bonds, would produce a howl from Wall street that would reverberate from one end of the country to the other.

The legal-tender notes bear on their face—say one for \$5—this inscription:

The United States will pay the bearer \$5, Washington, D. C.  
Legal-tender for \$5.

And indorsed on its back, the following:

This note is a legal-tender at its face value for all debts, public and private, except duties on imports and interest on the public debt.

It is true that any holder of these notes to the amount of \$50 could, since the 1st of January, 1879, have presented them at the national Treasury and had them redeemed in gold and silver, and a large amount have been so redeemed, but the law requires them "reissued and kept in circulation," and forbids their retirement and cancellation, so that the existing volume of \$346,000,000 shall remain in circulation as money, thus continuing indefinitely the contract with the holders indorsed on the back and written across the face of the notes. Upon the faith of this declared policy of the Government these notes have become a rule of property, and a law of contracts throughout the length and breadth of the country for millions of people. Every contract in all the States and Territories of the Union is solvable in these notes, except the few which especially stipulate for coin, and a destruction of their debt-paying power will impair the obligation of all these contracts in gross violation of the constitutional rights of the people, and produce a shock in business affairs which will vibrate throughout the country. The States are forbidden by express constitutional provision to pass any law which impairs the obligation of contracts, a power to do which, without that prohibition, they would have possessed. There is no such prohibition upon the Federal Government, because it can exercise only the powers that are granted, and no power to impair the obligations of contracts is granted or can arise by implication out of any granted power, because contrary to natural justice and common honesty and unworthy of exercise by any enlightened government. The Government pledged its faith to redeem these notes in coin, but every act of Congress providing for their issuance also provided for their reissue.

The act of January 14, 1875, "to provide for the resumption of specie payments" intended to carry out the pledge of the Government and to be a final consummation of the policy of the Government in respect to them, was construed by the Secretary of the Treasury in connection with the acts under which the notes were issued to authorize their reissuance. The whole purpose of the Government has been, as its legislation will show, to bring these notes to par with coin, and to be able to redeem them, on the demand of the holder, in coin. Whatever may have been the intention at the inception of their issuance, there is not a line of legislation to show that they were regarded as a mere temporary expedient, but on the contrary, as they grew in popular favor, abundant evidence is found in all the legislation on the subject, of an intention, if not to perpetuate, at least to continue indefinitely in circulation such an amount of them as can be maintained at par with coin. As soon as the amount was reduced to this point through the process of funding, the act of May 31, 1878, the last act on this subject, was passed, which forbade the Secretary of the Treasury to cancel or retire them further, and required, like the first law under which legal-tender notes were issued in 1862, that as fast as they came into the Treasury they should be reissued and kept in circulation. On the 1st day of January, 1879, the quality of irredeemability which before that time had characterized these notes ceased to exist, and from that date each holder has had the right to present these notes and receive coin in exchange. As the result of the policy pursued, we have in circulation among the people \$346,000,000 of Government notes with full legal-tender power, redeemable on demand in coin, and the gold and silver in the Treasury to redeem or maintain them at par, not only free from constitutional objection, but expressly sanctioned by the Fourteenth amendment as long as Congress shall deem it wise to allow them to remain in circulation—a currency which our people prefer to any other, because it is familiar to them, and they know it to be safe and sound, and the question we have to determine is whether we will destroy it or let it alone.

I am not troubled with any doubts in deciding this question for myself. My convictions are that the best interests of the country require that it be "let alone" where the policy of the Government, after nearly twenty years' experience, has left it, and where the country is satisfied with it.

The resolution of the honorable Senator from Delaware seems to contemplate the reissue and continued circulation of legal-tender notes after their demonetization, and the impression exists in the public mind that such will be the case. This is a great misapprehension.

The adoption of the resolution will as effectually destroy the entire volume of legal-tender notes, and eliminate them from our financial

system, as would a law directing the Secretary of the Treasury to call them in, pay and burn them, as a very brief consideration of its operation will conclusively show. I read the resolution, and call attention to its language:

That from and after the passage of this resolution the Treasury notes of the United States shall be received for all dues to the United States, excepting duties on imports, and shall not be otherwise a legal-tender, and any of said notes hereafter reissued shall bear this superscription.

In order to exhibit the full operation of the resolution upon these notes I read from the act approved February 25, 1862, section 1, being the first act under which legal-tender notes were issued, to show the debt-paying qualities with which they were invested, as follows:

And such notes herein authorized shall be receivable in payment of all taxes, internal duties, excises, debts, and demands of every kind due to the United States except duties on imports, of all claims and demands against the United States of every kind whatsoever except for interest upon bonds and notes, which shall be paid in coin, and shall also be lawful money and a legal tender in payment of all debts public and private within the United States, except duties on imports and interest aforesaid.

It is clear that while under this resolution the notes would be receivable for all dues to the United States, they would be demonetized as to demands and dues from the United States, for the language of the resolution is that they "shall not be otherwise a legal tender" than for dues to the United States. They would not be lawful money for the payment of a single dollar of the expenses of the Government, or of any debt or demand or salary due to any corporation or individual from the United States, and no person could be required to receive them. They would be legal tender for nothing of public or private debt except dues to the United States. In other words, the resolution leaves clear the way to get them into the Treasury by continuing them receivable for all taxes, debts, demands, &c., due the Government, but would render it really and truly "impracticable" for the honorable Secretary of the Treasury to pay them out or reissue them. It would be a virtual repeal of the act of May, 1878, which requires the notes reissued. If these notes shall circulate at all, after being thus demonetized, it must be in competition with the national-bank notes, and to show the relative debt-paying powers of the two kinds of paper money I will read from section 23 of the act known as the national-bank act, as follows:

Such association is hereby authorized to issue and circulate the same [meaning national-bank notes] as money, and the same shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, except for duties on imports, and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt and in redemption of the national currency.

Section 32 of the same act provides that every national bank shall receive at par the notes of any other national bank for any debts or liability due it.

The legal-tender power of the national-bank notes, it will be perceived, covers all dues, debts, &c., to the United States except import dues, and all debts, dues, and demands owing by the United States except interest on the public debt and the redemption of United States notes, and including all that vast amount of private indebtedness accruing daily to the national banks in their dealings with the people and with each other. Why not allow the greenbacks this same range of debt-paying power? There can be surely no constitutional objection to giving them the same debt-paying power possessed by national-bank notes. National-bank notes would also possess the additional value of being redeemable over the bank counters in gold and silver, while Government notes could be redeemed only at the national Treasury and in sums not less than \$50, and by a process unknown to one in five thousand of the people who handle them.

Would Government notes thus stripped of their debt-paying power and difficult of redemption be accepted when national-bank notes or gold and silver could be demanded? They would in general business be valuable for but one purpose, and that would be to exchange for coin. The difficulty to the general business public, remote from the Treasury where they are redeemable, of presenting them would throw them into the hands of the national banks, most likely at a discount. The banks already hold \$112,000,000 of these notes as a reserve fund, and in due course of business would speedily obtain possession of the greater portion of the balance, and, for the double purpose of supplying themselves with the coin they would be compelled to have, and of taking them out of circulation and putting their own notes in their place, would present them at the Treasury for redemption as fast as received. The entire volume of greenbacks would thus, and in payment of Government dues, go rapidly into the Treasury, and could not be reissued or paid out if the Secretary desired to reissue them, because no person will be compelled to receive them in payment of any demand against the Government, nor, of course, would voluntarily receive them when gold and silver and national-bank notes, much better money, could be demanded. Thus they would disappear from circulation. If I am answered that national-bank notes, though inferior in money power now to greenbacks, are equally current in circulation, an obvious reply is that the inferiority of greenbacks in money power, if the demonetizing resolution is adopted, will be very much greater than that of national-bank notes to greenbacks as they now are; but the great and controlling reason is that the power of the Government and of two thousand and forty-eight national banks is and has been sustaining the bank notes, and the same power is now exerted against the greenbacks to force them into retirement. It is

very clear, Mr. President, that any measure, or any combination of circumstances which sends the \$346,000,000 of outstanding legal-tender notes to the Treasury for redemption will operate to retire them. If reissued when paid, it is as if they had not been paid, and the same amount remains still to be paid, and so on indefinitely. One hundred and fifty-eight million dollars of coin now in the Treasury for resumption purposes is the largest amount ever there since specie payments were resumed, and there has been no time since January 1, 1879, when one-half of the greenbacks could have been redeemed without resorting to sale of more bonds. When it was desired to maintain them in circulation every step possible was taken necessary to inspire confidence in them; their paying power was enlarged by instructions from the Secretary of the Treasury to collectors of customs to receive them at par in payment of import duties, although by law not a legal tender for such dues. All this was done to prevent their presentation for redemption, to make them as good as coin and preferable to coin; and the desired result was accomplished. The provision for reissuance under such conditions is practicable because the notes are *now* rarely presented for redemption, being preferred to coin because more convenient.

But when, on the other hand, with a full knowledge of the impracticability of redeeming and reissuing them, and continuing to redeem and reissue indefinitely, the Government deliberately dishonors them, destroys their power as money, makes them greatly inferior not only to coin but to other paper money in circulation, as the resolution of the honorable Senator from Delaware will do, so as to cause their presentation for redemption in the superior money, it is neither more nor less than a provision to retire them from circulation, and such I take to be the meaning and purpose of the resolution. That the effect of the resolution, if adopted, will be to effect a speedy retirement of the entire volume of legal-tenders, nobody doubts. The combined capital of the country, the national banks, the President, and the Secretary of the Treasury, and the whole influence of the Administration are waging war upon these notes, and the legal-tender quality, the debt-paying power, alone sustains them. Strike that out, and they will sink under the onslaught and disappear from our financial system. If the resolution of the honorable Senator from Delaware shall be adopted the national banks will be masters of the situation. They are struggling to obtain a monopoly of the paper circulation of the country, which they can expand or contract at pleasure. This power carries with it the power to affect the values of all property, the wages of labor, and the burden of debts, as they may choose to permit money to be scarce or abundant. The existence of \$346,000,000 of legal-tender Government notes under the control of Congress is an effectual check in the interest of the people upon the power of these corporations. Hence their determined effort to remove it. They also wish to remove it in order that they may reap the profit to be derived from filling its place with their own circulating notes. The entire circulation of all the national banks on the 31st of December last is reported by the Comptroller to be \$340,388,012, nearly six million less in amount than the Government notes sought to be demonetized. If they can drive these notes out of circulation they will make room to more than double their own note circulation; at the same time they become supreme masters of the financial affairs of fifty millions of people. This is a grand stake to play for, and all they have to do to win it is to secure the passage of the resolution demonetizing the legal-tender notes. This done, their victory is won, their monopoly is complete, and their supremacy is undisputed. All else they desire will follow naturally, easily, and speedily.

The next step, already foreshadowed in the message of the President, the reports of his Secretary of the Treasury and Comptroller of Currency, for they have all strongly recommended it, as well as the demonetization of greenbacks, will be to stop the coinage of silver. To do this will as surely be followed by renewed demonetization of that metal as the destruction of the greenback notes will from striking down their legal-tender quality. The very recommendation, coming from the source it does, is well calculated to depreciate silver. All those engaged in the advocacy of the scheme for demonetizing legal-tender notes and for stopping the coinage of silver were opposed to the remonetization of silver, even to the limited extent it is now coined, and sought to make gold the only standard of value and the only lawful money. Gold and national-bank notes will be our only currency if they succeed in the measures proposed. This is the "honest money," the "hard money," of which we hear so much. The silver dollar of the United States—made in the ratio of 16 of silver to 1 of gold, while the ratio of France, Belgium, Switzerland, Italy, Spain, and Germany is 15 $\frac{1}{2}$  of silver to 1 of gold, and the ratio of Holland, Great Britain, Ireland, and Portugal is 15 $\frac{1}{2}$  of silver to 1 of gold, and of Austria 15 $\frac{1}{2}$  of silver to 1 of gold, and of Russia is 15 $\frac{1}{2}$  silver to 1 of gold—a silver coin which contains a higher proportion of silver than the coin of any other country in the world, which has been the standard of value from 1792 until this time, except for the short period it was demonetized, and United States legal-tender notes, redeemable on demand in coin, at par with coin and preferred by the people to coin, are denounced as "soft," "dishonest" money, and why? Because the bondholders and national bankers know that contraction such as will result from the destruction of silver as money, and of legal-tender notes as money, will lower all values of property and labor, and at the same time increase in the same proportion the pur-

chasing power of the gold interest received on their bonds, and of national-bank notes with double circulation, while consolidating and centralizing the vast money power of the country into a supreme and irresistible force in the affairs of this Government and people.

Why stop the coinage of silver? The production of silver is declining, as reported by the Director of the Mint. The world's production is estimated at \$81,849,300 per annum, and the United States produced of that in 1879 \$40,812,132, having declined from \$45,281,385 the preceding year. The great mines of Nevada, which in 1878 were officially reported to have yielded \$47,076,863 of both gold and silver, fell in 1879 to a product of only \$19,305,473.97 of both metals. During the last twenty-five years the Director of the Mint reports that India and China have annually absorbed an average of \$47,000,000 of silver, with no prospect of an abatement of the demand. He says further that Europe and America consume in the arts and ornamentation from twenty-five to thirty-five millions of silver. Add these demands together, and to the result add a fair per cent. of the whole stock of silver in the world for loss and for abrasion from use of silver coin, and it will be found that the amount will exceed the world's annual production.

To repeat the question in another form, why should the United States adopt the single gold standard? There is no dispute about the fact that the world's annual yield of gold has been declining since 1856, when the highest point of its production was reached, the amount being placed by the Director of the Mint at \$134,000,000 for that year. He gives a table showing the annual product for a number of years, commencing with 1853 and concluding with 1879, for which year the product is given at \$86,399,858. The United States produced of that total \$38,899,532 against \$51,206,360 produced in 1878, showing a decline of nearly thirteen million in one year in this country alone. Scientific men, who have made the question the subject of profound study, estimate that the annual production of gold is only 2 per cent. of the stock of gold in existence, while the annual loss from abrasion, accident, and use in the arts is estimated at from 4 to 6 per cent.; so that the actual supply of gold is supposed to be diminishing, notwithstanding the annual product, which itself is rapidly declining. The yield of gold declining, and of silver inadequate or not more than adequate to existing demands, yet human numbers are increasing and commercial and industrial developments are advancing and extending with a rapidity unparalleled heretofore. The world must have money to grow on, and trade and commerce cannot be extended nor industries increased without money, and money the world will have, for civilization cannot exist without it. If deprived of silver a margin is left for more bank paper. Leaving out the silver in Asia and Africa, which is not supposed to affect commerce, the estimate of Mr. Fawcett, in his work on Gold and Debt, is that there is of metallic money in the world \$2,150,000,000 of gold and \$2,350,000,000 of silver, almost equally divided, but with a slight preponderance of silver. To demonetize silver means, then, to destroy one-half of the world's money to the great enhancement in value of the other half, and the corresponding increase of the burden of debts and depression of labor. A recently published work, entitled Hughes on the Currency Question, gives the following figures in relation to the public debts of the world, taken from the Westminster Review of January, 1876:

At the close of the Napoleonic wars, in 1815-'20, the public debts of the world amounted to \$7,650,000,000.

In 1848, the year of the French revolution, they amounted to \$8,655,000,000.

In 1875, after the civil conflict in the United States and the several wars in Europe which preceded the Russo-Turkish war, they amounted to \$22,889,000,000.

The author adds \$1,100,000,000 for the Russo-Turkish war, making the whole aggregate \$24,000,000,000. To this is added, from Poor's and from Fawcett's works, railroad indebtedness, and in addition an estimate is made of municipal debts, (state, city, county, and town,) which bring it up to 1878, as follows:

Public debts in 1878:	
National debts.....	\$24,000,000,000
Railroad debts.....	6,000,000,000
Municipal debts.....	5,000,000,000
Total.....	35,000,000,000

Supposing these figures to give a proximate idea of the truth, it is very clear that public indebtedness is increasing at a rate of progression which quickens as it advances, and that the uses of money are increased in this direction with each year as they are in other expansions of human affairs. Will there not be other great wars and enormous increases of the public debts of the world? I suggest the question, and leave it for the future to take care of, and deal with the troubles of the present. At an average of 5 per cent. interest, the enormous sum of seventeen hundred and fifty million annually is necessary to pay the interest on the public debts of the world as stated above, to say nothing of private debts.

England, holding the bonds of the world, and owning her public debt at home to enhance the value of her credits and the annual interest on them, demonetized silver. Germany, whose capitalists hold the bonds of every country in the world, for the same reason followed in discarding silver. After the enormous public debt of the United States was securely funded in bonds, silver, without the

knowledge of the country and, for the most part, of the Congress which passed the law and of the President who approved it, was demonetized in the interest of the holders of bonds. The power of the bonds, representing the public debts of the world, procured the demonetization of silver in order that its millions of annual interest should be increased in value. These bonds are chiefly in the hands of the world's bankers, and they also saw in this decrease of metallic money an enlarged area for the operation of bank paper. It was done in the interest of the few and to the oppression of the many. Recent events have gone a long way to disclose to European thinkers and statesmen that the people who produce have been burdened more heavily than they can bear for the benefit of the privileged and moneyed classes. Labor strikes, land agitations, and threatened famine, communism, socialism, nihilism, and all the other isms which express human misery are rampant there, and the legitimate consequences, of enormous public debts intensified in their burden by the destruction of one-half of the money in which they ought to be paid, and the stagnation of all industry for want of the money thus destroyed to satisfy the greed of a few of the nobility and men of wealth. Seeing these things, European opinion is undergoing a radical change. Germany has suspended the sale of her discarded silver, and some of her leading statesmen are denying the wisdom of having demonetized it; while some of the best thinkers and ablest financial writers in England are advocating a return to bimetallism, notably Mr. Henry Hucks Gibbs, late governor of the Bank of England, and one of the representatives of the English government at the Paris conference, who joined his colleagues in the adverse report made, but has since, in view of the present condition of European industries, publicly recanted. The patent fact is seen and acknowledged by all men that depression and stagnation sat upon the United States like an incubus until gold was drawn here from Europe, and that the withdrawal of gold from Europe produced the same distress in Europe which it relieved here, and the governing classes of Europe are being made to see by the inexorable logic of events what the practical intelligence of the American people has comprehended since 1873, that the commerce and industry of the world in its marvelous growth and extension and the immense burden of debt to be paid, demands more money than the gold in existence will furnish, and that the single gold standard cannot be maintained, except by loading down all industry to a point where the danger of revolution and revolution and general repudiation becomes imminent.

In view of these facts it is significant that at this critical juncture the enemies of silver remonetization in Europe should be re-enforced by the high authority of the President of the United States and his Secretary of the Treasury, in official papers laid before Congress, recommending in effect an abandonment of silver as money, except the insignificant sum of \$45,000,000 now coined. The moral force of such action from the chief executive officers of the greatest silver-producing country in the world, supposed to represent the views of the great people who first demanded and enforced the restoration of silver as money, and to speak from experience of its effects, must act with tremendous power upon the public judgment of Europe on the silver question. The advocates of wholesale demonetization of greenbacks and a cessation of the coinage of silver ground their whole argument on the alleged abundance of gold and silver coin in the country, and the existence of the balance of foreign trade in our favor to keep it here. The Director of the Mint estimates that on the first day of November last our stock aggregated \$427,206,852, not quite three-fourths of it gold, and the remainder silver, besides some fifty millions of gold bullion. It does not seem to be remembered that the conditions which produced the great inflow of gold for three or four years past are abnormal, and in the natural order of things cannot continue. The unparalleled depression of trade and all the industries, commencing in this country in 1873 and continuing until a short time past, enforced with an iron hand the most rigid economy upon the people. Our own products, which were sold almost at the cost of production, and that too when labor was cheaper than ever before, satisfied our home markets, and we bought very little abroad; hence, the importation of foreign goods and products fell to a very low figure. The cheapness of our products, our exceptionally abundant crops, and the unprecedented failure of crops for two years past in Europe, bringing the people in many parts to the verge of famine, conspired, at the same time that our imports were rapidly falling off, to increase our exports and bring the balance of trade largely in our favor. The extent to which we are indebted for this balance to the failures of crops in Europe will be seen when the fact is stated that, while the total of our imports for 1879 is \$710,439,441, I am informed, in a note from the Chief of the Bureau of Statistics, that 77.85 per cent. of the amount is for agricultural products, and the value of breadstuffs alone exported to meet the extraordinary demand is \$210,355,528 against \$98,743,151 worth of breadstuffs in 1873. And it must be borne in mind that prior to 1873, from the beginning of the Government, the balance of trade, except for an occasional year and an insignificant amount, at long intervals, has been uniformly against us. The annual average of the balance against us for the ten years which ended June 30, 1873, was \$104,706,922, as shown in the Treasury reports. The Secretary of the Treasury says, in his last report, that, "with one or two unimportant exceptions, the United States stands alone among the commercial nations in having an excess of exports over imports of merchandise," the word merchandise being used to in-

clude the total of all our imports of every character. This exceptional status of the United States, notwithstanding the unprecedented European demand for our agricultural products, has been produced in much the largest degree by the poverty and enforced economy of our people and their consequent inability to buy foreign goods, and the cheapness of our own commodities, which excluded foreign goods from our markets, as the following table of imports and exports from 1873 to 1879 will show:

Fiscal year—	Net imports, (less re-exports.)		
	Merchandise.	Coin and bullion.	Total.
1873	\$624,689,727	\$10,777,909	\$635,467,636
1874	550,556,723	21,524,187	572,080,910
1875	518,846,825	12,625,704	531,472,529
1876	445,933,766	9,469,070	455,407,836
1877	438,518,130	27,746,915	466,265,045
1878	422,896,834	23,143,074	446,039,908

Fiscal year—	Domestic exports.		
	Merchandise.	Coin and bullion.	Total.
1873	\$505,033,439	\$78,905,546	\$578,938,985
1874	569,433,421	59,699,686	629,133,107
1875	499,284,100	83,857,129	583,141,929
1876	525,582,247	50,038,691	575,620,938
1877	589,670,224	43,134,738	632,804,962
1878	680,633,798	27,054,985	707,738,783

These figures show but little average increase of exports until 1878, when the highest figure was reached, and then in excess of the exports of 1874 only about \$76,000,000, while the falling off of imports is shown to be continuous and enormous, thus proving conclusively that the balance of trade now and for several years in our favor and the inflow of gold from that cause comes, not except in a small degree from increasing exports, but from a constantly diminishing volume of imports. Hard times and bed-rock prices for labor and material cheapened everything here to a point which excluded foreign importations as nearly as it can possibly be done, while crop failures and famine prices in Europe carried there our enormous surplus of agricultural products and brought back gold.

Sir, we cannot base a permanent financial policy upon results from such conditions as these, fleeting and transitory as they are, and even now in process of being reversed. Under the influence of this abnormally increased supply of the precious metals hard times are giving place to renewed prosperity, the wages of labor and the price of all the products of industry are advancing rapidly, and the time seems not far distant when we will have recovered from the recent prolonged depression. With the advent of that period will come a reversal of the conditions which have given us the heavy trade balance and drained European gold into our coffers. The inflow of gold is raising high the tide of prosperity here, while a corresponding depression has been caused by the outflow there. Prices are raised here, but lowered there. High prices here will bring low-priced European products into our markets, and exclude our commodities from European markets, except such agricultural products as they are compelled to buy. Extravagance, which ever accompanies prosperity, will take the place of that economy which adversity forced upon us, and was the chief factor in the change which has occurred.

The result probably will be a re-establishment of the trade balance against us and a reactionary outflow of gold, to be increased by the amount of interest on the public debt, because our bonds will not remain here, where money is worth 6 and 8 and 10 per cent. interest, but will go abroad where 4 per cent. is regarded as a good investment.

I read from the London Times of December 1 on this subject in support of this view:

The money that has flowed in such profusion from Europe to the United States cannot always remain there. Its presence will soon be felt in a rise of prices throughout the Union, and as soon as a rise has been established a demand for European goods will follow, and the current of money from the east to the western shores of the Atlantic will be arrested, if not reversed. A process of this kind cannot be completed within a week or a month, but its development may be anticipated as confidently as the movement of the tides.

Also from the New York Herald of December 2:

As soon as prices rise high enough a flood of foreign goods will come pouring into the country. The drain of money from Europe will lower prices there, inflation will enhance them here, and European commodities can be sold at a high profit in our market. Then the resumption experiment will begin to be tested; then the tide of money will begin to flow back into Europe, and greenbacks will be offered at the Treasury to procure gold for exportation. If, after the stream is turned, there should be a prospect of short crops in America and an abundant harvest in Europe, it will require all Mr. Sherman's skill to weather the change. The Government is trusting altogether too much to luck and accident.

Truer words were never written than these. The supreme test of our financial policy has yet to come. Europe, taught as we were in the school of adversity, is preparing now to renew the struggle for the gold, the loss of which destroyed her prosperity, and the gain of which built up our own. The struggle will be a desperate one, such

as famine and want and misery drive men to make. It can be kept here by perpetuating the conditions through which it was acquired, by making money scarcer, cheapening agricultural products, cheapening labor, raw material, and consequently manufactured products, so as to compete with European pauper labor, as we were driven to do in the terrible years succeeding 1873. To do this the value of money must be increased, its purchasing power must be inflated. To demonetize the legal-tender currency, and stop the coinage of silver, or either of these measures, will produce this result. The policy of those who advocate these measures involves a sacrifice at the hands of the great mass of the people for the benefit of a favored few alike unreasonable and unnecessary.

The producers who create the wealth of this country cannot, will not, and ought not to sanction a policy such as this, which would enslave them for all future time to the rapacity of money-changers and reduce them to the level of starving European labor. Handicapped as they were by legislation which increased the burden of all debt, public and private, when gold had fled the country and silver was destroyed as money, with only legal-tender greenbacks they rescued the country from impending bankruptcy and have placed it upon a foundation of solid prosperity, and they can and will maintain it there against all competition, if we will only let the legal-tender currency remain as it is and give them what they have so often and vainly demanded, free coinage of silver. If, instead of disarming them in front of the enemy, when about to receive his charge, as the demonetizing process proposes to do, we place in their hands every weapon of defense within our reach, we can rely confidently on them to meet the onset successfully.

There is no inflation of values. As evidence of it the Director of the Mint, in a carefully prepared table, shows that gold has been constantly increasing in value since 1873. The existing partial remonetization of silver has not checked this advance. This table shows that a piece of gold possessing a purchasing power of ninety-one cents in 1874, in 1879 had a purchasing power of \$1.16. Advancing value for gold means receding value for commodities and labor. There is no inflation of anything, then, except gold. One dollar of gold will buy one-third more of labor or commodities than it would in 1874. This ought to satisfy even the New York bankers; still they are not satisfied and want further inflation of gold. I am opposed to inflation of either gold or commodities, but, if one or the other must need be inflated, I prefer it to be the latter. But if it were true that we have too much money in circulation and all values were inflated, why not curtail the national-bank issues, which cost the people money to sustain, and let alone the United States notes, which cost nothing while in circulation, but nearly two-thirds of which will have to be funded into interest-bearing bonds if retired, for there is only coin enough in the Treasury to redeem a little more than one-third of them? The banks are steadily expanding their note circulation, as the Comptroller in his report informs us, having increased it \$14,742,503 during the year 1879. The greenbacks are certainly the most economical circulation, for surely it is cheaper to use them as money than it is to put them into bonds and pay interest on them. If, as alleged, the volume of currency should act automatically and expand or contract as business demands, we will always need more than \$346,000,000 of paper, that being the amount of Government notes. Let that alone, and let the bank circulation respond to the vibrations of trade.

Again, the legal-tender notes hold the volume of circulation steady. It is a breakwater between it and the fluctuations of coin, as it ebbs and flows out and into the country. The coin may leave the country now and the volume of circulation need not be diminished, because greenbacks are to the banks as good as coin. The national Treasury has to look out for gold to keep the greenbacks at par, but the banks need have no care for it, and would in a great degree be undisturbed by its movements. But when greenbacks are demonetized, the bank circulation will be sensitive to every movement of coin, and must conform to its fluctuations. In other words, the demonetization of greenbacks will subject the financial affairs of this country to all the shocks and convulsions produced by the erratic movements of coin in the commercial world, which in a great measure they now protect us from. If we should actually lose our coin, as we have done before, and as Europe has recently done, a crash and general bankruptcy, from which the legal-tenders would in a great measure save the country, would surely ensue if they are demonetized. As a banking basis, these notes now fill exactly the place of gold. They will remain at home under circumstances which would carry the gold away. They will protect the banks and people against European panics, will be "lawful money" when gold has fled, and sustain the country in adversity, as they have done since 1873, and harm nobody; on the contrary, bless everybody who can get them in prosperity; a tried, true, trusty friend in adversity as in prosperity, that will stay with us if every bank in Europe should break or should become gorged with gold. Why should we abandon this currency? Especially why abandon it at this time, when our exports are diminishing and our imports rapidly increasing, with a prospect in the not far distant future of having the balance of trade re-established against us, and a consequent scarcity of coin? This currency, sir, is one of the very few good things that the war brought the working people of this country, and I am in favor of holding on to it, and keeping the volume up to full \$346,000,000 by reissuing from time to

time enough new notes to supply the place of all that may have been lost or destroyed. In addition to all this, these notes are a check upon the power of the banks over the people, which the people's representatives should never surrender.

Whence comes the demand for the destruction of the legal-tender currency? Not from those who raised the agricultural products which constitute 77.85 per cent. of the vast volume of exports which has brought a golden current into the country; not from the people who redeemed the misfortunes of the country with labor, and, invoking the statesmanship of the plow, won back the prosperity which a different character of statesmanship had lost; not from the people who cast four-fifths of the votes in the election of officers to administer the Government; no, sir; all these protest against it; but from bankers, merchants, factors, railroad presidents, transportation agents, insurance men, money and stock traders and brokers, &c., who grow rich from handling the wealth which others have produced—all good men and doing a perfectly legitimate business which must be done by somebody, but knowing full well how to take care of their own interests. When a few days ago the honorable and justly honored Senator from New York, whose seat is near me, rose in his place and presented a mammoth petition signed by fifteen hundred gentlemen of the city of New York, including presidents of national banks, merchant princes and railroad kings, large holders of gold interest-bearing bonds, money and stock brokers and traders, and a few pursuing other professions and avocations, praying that the legal-tender quality be stricken from the greenback notes, I was forcibly reminded of the warning given the American people in his celebrated farewell address, when retiring from the Presidency at the close of a long term of distinguished public service, by Andrew Jackson, the great apostle of the people's democracy. I will read from it:

It is one of the serious evils of our present system of banking that it enables one class of society, and by no means a numerous one, by its control over the currency, to act injuriously upon the interests of all the others and to exercise more than its just proportion of influence in political affairs. The agricultural, the mechanical, and the laboring classes have little or no share in the direction of the great moneyed corporations; and from their habits and the nature of their pursuits, they are incapable of forming extensive combinations to act together with united force. Such concert of action may sometimes be produced in a single city, or in a small district of country, by means of personal communication with each other; but they have no regular or active correspondence with those who are engaged in similar pursuits in distant places; they have but little patronage to give to the press, and exercise but a small share of influence over it; they have no crowd of dependents about them, who hope to grow rich without labor, by their countenance and favor, and who are therefore always ready to execute their wishes. The planter, the farmer, the mechanic, and the laborer, all know that their success depends upon their own industry and economy and that they must not expect to become suddenly rich by the fruits of their toil. Yet these classes of society form the great body of the people of the United States. They are the bone and sinew of the country, men who love liberty, and desire nothing but equal rights and equal laws, and who, moreover, hold the great mass of our national wealth, although it is distributed in moderate amounts among the millions of freemen who possess it. But with overwhelming numbers and wealth on their side, they are in constant danger of losing their fair influence in the Government, and with difficulty maintain their just rights against the incessant efforts daily made to encroach upon them.

The mischief springs from the power which the moneyed interest derives from paper currency which they are able to control, from the multitude of corporations with exclusive privileges, which they have succeeded in obtaining in the different States, and which are employed altogether for their benefit; and unless you become more watchful in your States, and check this spirit of monopoly and thirst for exclusive privileges, you will in the end find that the most important powers of government have been given or bartered away, and the control over your dearest interests has passed into the hands of these corporations.

The paper-money system, and its natural associates, monopoly and exclusive privileges, have already struck their roots deep in the soil, and it will require all your efforts to check its further growth and eradicate the evil. The men who profit by the abuses and desire to perpetuate them will continue to besiege the halls of legislation in the General Government as well as in the States, and will seek by every artifice to mislead and deceive the public servants.

I read again from his message vetoing the bank bill, to show that among all the changes which have occurred since Jackson's time, human nature has remained the same:

It is to be regretted that the rich and powerful too often bend the acts of Government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth cannot be produced by human institutions. In the full enjoyment of the gifts of heaven, and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law. But when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer, and the potent more powerful, the humble members of society, the farmers, mechanics, and laborers, who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their Government.

Experience should teach us wisdom. Most of the difficulties our Government now encounters, and most of the dangers which impend over our Union, have sprung from an abandonment of the legitimate objects of government by our national legislation, and the adoption of such principles as are embodied in this act. Many of our rich men have not been content with equal protection and equal benefits, but have besought us to make them richer by acts of Congress. By attempting to gratify their desires we have, in the results of our legislation, arrayed section against section, interest against interest, and man against man, in a fearful combination, which threatens to shake the foundations of our Union.

Suppose the prayer of the petitioners from New York is granted and the legal-tender currency is retired, do we get gold and silver in its place? By no means. We will see its place filled, of course, with national-bank notes. Yet in the war made on legal-tender notes the people are sought to be deluded with the cry of "hard money," when in truth it is sought to destroy silver (which is half of the hard money) and greenbacks only to replace both with national-bank notes—national-bank notes in place of silver, national-bank notes in place of legal-tender greenbacks, and national-bank notes in place of gold, if

that, under changed conditions, shall flee the country as it did after 1873. The country must have money of some sort, and if the resolution of the honorable Senator from Delaware is adopted, and the recommendation of the President and Secretary of the Treasury to stop the coinage of silver shall be adopted, we will have left a little gold locked up in bank vaults and a great flood of national-bank notes in circulation among the people. This is the "hard-money" feast to which the people are invited. State banks of issue have been taxed out of existence, and not one is left, in order to create a monopoly for national banks; and now the people's currency, issued and backed by the people's Government, redeemable on demand in coin, at par with coin, the safest and soundest currency in the world, the creation of necessity, molded by the circumstances of nearly twenty years of change and revolution to fit the times successively from flagrant war to profound peace under burdens inherited from war, perfected by the wisdom of experience, tried by the country and found good in every crisis, is sought to be destroyed to make way for more national-bank notes, and all in the name of "hard money," "honest money." Money cannot be "hard" or "honest" money according to this theory, which does not rob the laborer and producer and enrich the banker. A few democrats are found who call this a return to the principles of good old Jacksonian democracy. If Andrew Jackson, Martin Van Buren, and their compeers who believed that the United States Bank with a capital of \$40,000,000, surrounded by competing State banks, was too powerful; that it corrupted the press and sought to rule the Government; that it was about to acquire a controlling influence in politics to be used for its own gain and the people's oppression; that by its power to expand or contract the currency at pleasure it could worry and distress the people and bend them to subserviency and through that means control elections, and was therefore dangerous to the liberties of the country as well as its material interests, and for that reason, in the name of the democratic people of the United States, of whom they were distinguished leaders, overthrew it—if they could be reanimated and could hear the principles of the democracy invoked in behalf of a measure which will destroy the only check in the hands of the people upon the power of a system of bank corporations animated by a common purpose and common interests, possessed of aggregate capital, including surplus, amounting to \$570,000,000 and with power of indefinite expansion, besides large amounts of public money always on deposit with them, a huge, overshadowing monopoly to which every objection they urged to the Bank of the United States will apply with twenty-fold force, beside which the bank they devoted the best years of their lives to crushing out was utterly insignificant, they would come to the conclusion that the principles of the democratic party had undergone a tremendous revolution since they led the party. Andrew Jackson was the ardent advocate not of gold alone but of gold and silver money, as the people of my State are and as I am and have ever been; but every word or line to be found in his state papers on the subject is coupled with expressions of undying hostility to a national bank as the greatest enemy to free government that had ever taken root in American institutions; and his messages and farewell address teem with the most impressive warnings to the people against the danger from such powerful corporations.

The reserves of the national banks in the city of New York alone, whence the mammoth petition referred to came, are one-third larger in amount than the entire capital of the Bank of the United States, which Jackson slew because, he said, its existence was incompatible with popular liberty and representative government.

Sir, this country is corporation-ridden already, without aggrandizing them further.

I read again from Jackson's farewell address. This address was issued upon the retirement of that great man from a long life of distinguished and honored public service. It was issued when he was going back to the Hermitage. It was his last word of warning and of advice, his last precept to the American people. I ask attention to it:

But when the charter for the Bank of the United States was obtained from Congress it perfected the schemes of the paper system, and gave to its advocates the position they have struggled to obtain from the commencement of the Federal Government down to the present hour. The immense capital and peculiar privileges bestowed upon it enables it to exercise despotic sway over the other banks in every part of the country. From its superior strength it could seriously injure, if not destroy, the business of any one of them which might incur its resentment; and it openly claimed for itself the power of regulating the currency throughout the United States, in other words it asserted (and undoubtedly possessed) the power to make money plenty or scarce, at its pleasure, at any time and in any quarter of the Union, by controlling the issues of other banks, and permitting an expansion, or compelling a general contraction, of the circulating medium, according to its own will. The other banking institutions were sensible of its strength, and they soon generally became its obedient instruments, ready at all times to execute its mandates; and with the banks, necessarily, went also that numerous class of persons in our commercial cities who depend altogether on bank credits for their solvency and means of business, and who are therefore obliged, for their own safety, to propitiate the favor of the money power by distinguished zeal and devotion in its service. The result of the ill-advised legislation which established this great monopoly was to concentrate the whole moneyed power of the Union, with its boundless means of corruption and its numerous dependents, under the direction and command of one acknowledged head, thus organizing this particular interest as one body, and securing to it unity and concert of action throughout the United States, and enabling it to bring forward upon any occasion its entire and undivided strength to support or defeat any measure of the Government. In the hands of this formidable power, thus perfectly organized, was also placed unlimited dominion over the amount of the circulating medium, giving it the power to regulate the value of property and the fruits of labor in every quarter of the Union,

and to bestow prosperity or bring ruin upon any city or section of the country, as might best comport with its own interest or policy.

We are not left to conjecture how the moneyed power, thus organized, and with such a weapon in its hands, would be likely to use it. The distress and alarm which pervaded and agitated the whole country when the Bank of the United States waged war upon the people in order to compel them to submit to its demands, can not yet be forgotten. The ruthless and unsparing temper with which whole cities and communities were oppressed, individuals impoverished and ruined, and a scene of cheerful prosperity suddenly changed into one of gloom and despondency, ought to be indelibly impressed on the memory of the people of the United States. If such was its power in a time of peace, what would it not have been in a season of war, with an enemy at your doors! No nation but the freemen of the United States could have come out victorious from such a contest; yet, if you had not conquered, the Government would have passed from the hands of the many to the hands of the few; and this organized money power, from its secret conclave, would have dictated the choice of your highest officers, and compelled you to make peace or war, as best suited their own wishes. The forms of your Government might for a time have remained, but its living spirit would have departed from it.

I read from Jackson's fifth annual message:

It being thus established by unquestionable proof that the Bank of the United States was converted into a permanent electioneering engine, it appeared to me that the path of duty which the executive department of the Government ought to pursue was not doubtful. As by the terms of the bank charter no officer but the Secretary of the Treasury could remove the deposits, it seemed to me that this authority ought to be at once exerted to deprive that great corporation of the support and countenance of the Government in such a use of its funds and such an exertion of its power.

In this point of the case the question is distinctly presented, whether the people of the United States are to govern through representatives chosen by their unabashed suffrages, or whether the power and money of a great corporation are to be secretly exerted to influence their judgment and control their decisions. It must now be determined whether the bank is to have its candidates for all offices in the country, from the highest to the lowest, or whether candidates on both sides of political questions shall be brought forward as heretofore, and supported by the usual means. At this time the efforts of the bank to control public opinion through the distresses of some and fears of others are equally apparent, and, if possible, more objectionable. By a curtailment of its accommodations, more rapid than any emergency requires, and even while it retains specie to an almost unprecedented amount in its vaults, it is attempting to produce great embarrassment in one portion of the community, while through presses known to have been sustained by its money it attempts by unfounded alarms to create a panic in all.

These are the means by which it seems to expect that it can force a restoration of the deposits, and, as a necessary consequence, extort from Congress a renewal of its charter. I am happy to know that, through the good sense of our people, the efforts to get up a panic has hitherto failed, and that through the increased accommodations which the State banks have been enabled to afford, no public distress has followed the exertions of the bank; and it cannot be doubted that the exercise of its power and the expenditure of its money, as well as its efforts to spread groundless alarm, will be met and rebuked as they deserve. In my own sphere of duty, I should feel myself called on by the facts disclosed to order a *scire facias* against the bank, with a view to put an end to the chartered rights it has so palpably violated, were it not that the charter itself will expire as soon as a decision would probably be obtained from the court of last resort.

And again, from his celebrated protest spread on the records of the Senate, against a vote of censure for removal of the deposits:

The Bank of the United States, a great moneyed monopoly, had attempted to obtain a renewal of its charter by controlling the elections of the people and the action of the Government. The use of its corporate funds and power in that attempt was fully disclosed; and it was made known to the President that the corporation was putting in train the same course of measures with the view of making another vigorous effort, through an interference in the election of the people, to control public opinion and to force the Government to yield to its demands. This, with its corruption of the press, its violation of its charter, its exclusion of the Government directors from its proceedings, its neglect of duty, and arrogant pretensions, made it, in the opinion of the President, incompatible with the public interest and the safety of our institutions that it should be longer employed as the fiscal agent of the Treasury.

The Senate censured but the people sustained him, and have canonized his memory.

Such are the views which the greatest leader of the democratic party since the days of Jefferson labored for a life-time to impress upon the people of the United States, and such the principles which guided his administration of this Government. The changes which have occurred since, seem only to illustrate the profound sagacity and patriotism of the illustrious statesman who bequeathed them as a legacy to his countrymen. The great railway corporations whose roads span and gridiron the continent, and are the carriers of our vast internal commerce, being rapidly consolidated and concentrated in a few hands when "profits are pooled" to the utter destruction of competition, with unlimited power to tax the marketable products of the country, which have to this time defied every effort to bring them under control of the people's Government, had then no existence, nor had the thousand other methods of using corporate power which have been since developed. Then no power existed in less than a half dozen railroad presidents to meet in secret conclave as they do now, with blinds closed and curtains drawn, and by raising their tariff of charges impose a tax amounting to hundreds of millions of dollars on the products of labor, to which the people are compelled to submit, which imposed by a law of Congress would almost drive them to a rebellion. Vast combinations of capital, corporate and otherwise, which now, under a most oppressive tariff, exact bounties from the people averaging \$40 for every \$100 they expend for any purpose, not excepting even the very iron over which their products are rolled to market, then were hardly dreamed of.

The prophetic vision of Jackson pierced the future as that of no other did, and we feel it and know it, because the greatest question now pressing for solution upon the American people is, not how to subject corporate and money power to the people's will, but how to prevent these powers from dominating the Government of the people. The national-bank system, the most powerful aggregation of corporate power in the world, based on Government bonds, the property of private individuals, controlled by officers and directors in whose

election the Government has no voice, is nevertheless a part of the machinery of the Treasury Department, which must run in harmony with the balance, or the whole must stop. It is the depositary and fiscal agency of the Government; it is the connecting link which transmits the power of concentrated capital to the point where it controls the greatest Department of the Government. It is the Briareus whose hundred hands grasp the machinery of the Treasury Department, and rules it in his own interest. There is no important financial operation that can be executed by the Government without the consent and co-operation of the national banks; their negative will defeat any move proposed by the Secretary of the Treasury. He dare not antagonize them. They have put silver under the ban in their clearance-houses, and boldly defied the national authority, which by law has declared it a legal tender, and the Secretary of the Treasury had to succumb. They are bold, aggressive, and defiant, and claim the right to rule the people through a control of the values of their property and the burden of their debts, and to dictate in their own interest a policy which will enrich them at the expense of the producers of the country. Active political agents, their immense power is exerted in every election in favor of those who will advance their interests, and against those who oppose them. Hon. Moses W. Field, of Michigan, is reported as saying in a speech a few years ago:

The Forty-third Congress, to which I belonged, was composed of three hundred and seventy-nine members. In this number there were six lumbermen, thirteen manufacturers, seven doctors, fourteen merchants, thirteen farmers, three millers, one land surveyor, one priest, one professor of Latin, one doctor of laws, one barber, one mechanic, ninety-nine lawyers, and one hundred and eighty-nine bankers, which included stockholders in national banks.

This statement, which I presume is correct, will give some idea of the immense political influence wielded by these corporations, permeating the whole country as they do with their crowds of officials and dependents, and their power over the press, and we can understand from it the reason for the earnest vigor with which Andrew Jackson denounced the bank of the United States for using its money and power to influence the people and control elections. It is the power of the banks which up to this time has defeated the thrice-repeated demand of the people for free coinage and full restoration of silver, and, while nominally legal-tender money, has reduced it to insignificance in the business and commerce of the country. The reason is plain: the less silver we have the greater the room for bank-notes. They denounce silver as dishonest money, because silver bullion is discounted slightly by the side of gold; but that power demonetized silver in 1873 when silver outvalued gold three cents on the dollar. They will not have it on any terms if to be avoided.

But one single thing remains to be done to make these corporations supreme over all the labor and all the values of all the people in this great country, and that is to demonetize the \$346,000,000 of legal-tender notes. The money circulation placed thereby exclusively in their control, its volume to be expanded or contracted at their pleasure, the last remaining check upon their power will be gone, and they will be the completest and most powerful monopoly that ever existed under any government. Once entrenched in power it can never be dislodged. It would perpetuate the public debt on which it is based. Itself a centralized power, it would for its own protection consolidate all political power in a strong central government and be aided in the work for the same purpose by the other great corporations. If the strong man with mailed hand shall ever come to erect an imperial throne over the ruins of popular liberty in America, which God forbid, the way will have been prepared and he will come at the bidding of organized, concentrated capital. I will never add by vote or act of mine to this already overgrown and overshadowing power. If a stand is ever to be made against it, at least it is not too early to make it. The real issue is between the money power and the people. This issue, sir, extends far beyond any mere question of money; it involves the continuance of free representative government and popular liberty. We cannot doubt this if we heed the solemn admonitions of one of the wisest and most far-seeing patriots who ever impressed himself upon the history of this or any other country. Whatever may be the opinion of the duty of the Government in respect to furnishing a sound currency for the people, there can be no doubt of a paramount duty to protect the country against the danger of domination by corporations of its own creation. Wherever such danger exists the high duty arises to remove it, and if no other means can be devised it would be far better that the Government issue itself the volume of paper needed by the country and abolish the national banks.

It is infinitely better to have paper issued directly by the Government than build up in our midst a banking power which, in the experience of some of the wisest men, is a standing and growing menace to the liberties of the people. That the Government can constitutionally issue a currency less expensive and more safe than any other I have no doubt. The question before the Senate and the country now is as to the expediency of doubling the circulation, and consequently doubling the power of the national banks, already too powerful to be controlled, by demonetizing legal-tender notes, for this would be the effect of the adoption of the resolution of the honorable Senator from Delaware. All who favor hard money must oppose this measure, because it will install in undisputed power a force hostile to silver, one-half of the hard money of the world, and will visit the little we have of it with swift destruction. All who believe in the democracy of Andrew Jackson, who crushed out the old national bank, and of his successor in the presidential office and in the leader-

ship of the democratic party, Martin Van Buren, whose battle-cry in the contest resulting in his election was "Eternal hostility to a national bank," should oppose this measure. All who believe that "monopolies and perpetuities are contrary to the genius of a free government" and that no power should be tolerated which experience proves will corrupt the press and destroy the freedom of elections should oppose it. All who believe in the old democratic maxim of "equal rights for all and special privileges for none" and are opposed to exercising the powers of Government to enrich and make powerful a few at the expense of the many and are opposed to class legislation should oppose it. All who desire the supremacy of the great body of the people in the affairs of this Government and the unshackled influence of that great bulwark of free government, a free press, unawed and uncorrupted by the power of money, of organized corporate capital, should oppose it. All who believe in the wisdom of Jackson's solemn warning against the power of banks, the evils of bank paper, the danger lurking in great corporations to free government and the people's liberties, verified as they have been by the experience of more than half a century, should oppose it. These, sir, are my profound convictions, and while I freely concede the highest purity of purpose, of patriotism, and of conviction to every gentleman on this floor who holds opposing views, I must maintain them. I believe this a question which should be discussed, and the country aroused to an appreciation of its importance, for none greater, involving as it does the essential principles of free government, can challenge the popular intelligence. No consideration of party expediency should be permitted to hide it from the people, whose liberties and whose substance as well are involved in its proper and speedy solution.

The people of the State I have the honor in part to represent on this floor, sir, so far as I have been able with good opportunities to learn their views, are opposed to all extremes in finance. They are opposed to the absolute or fiat money theory, and believe it a delusion and a snare, not much more vicious and destructive, however, than the other extreme, which would destroy silver and erect the single gold standard. They believe in the middle ground between these two extremes, a constitutional gold and silver currency, with as full money power and as free coinage for silver as for gold, and oppose any paper money except that which is at par with coin and redeemable at the will of the holder in coin. They do not believe that the Government has now the constitutional power to issue paper money which shall be a legal tender for private debt, but that the legal-tender notes now in circulation are, for the reasons I have given, valid and constitutional, and are unalterably opposed to their demonetization. They favor an honest, *bona fide* payment of the public debt in accordance with the terms of the Government contract with the holders liberally and justly interpreted. They are profoundly attached to our free Government, and jealous of any power which may endanger its stability or change its character, and are therefore opposed, as well as for economic reasons, to the existing system of national banks and to any increase of their already dangerous power. They view with alarm the growing power of corporations and centralized capital, and fear, if not checked, that the substance if not the form of our Government will be overthrown. It is needless to say that I concur most heartily in all these views.

#### INTEREST ON ARREARAGES OF TAXES.

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

Mr. HARRIS. Senate joint resolution No. 64 was unanimously reported from the Committee on the District of Columbia last Monday. I desire to put it upon its passage.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Does the Senator from Maryland yield to the Senator from Tennessee?

Mr. WHYTE. Yes, sir; if it will only take a moment.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee that the Senate proceed to the consideration of the joint resolution indicated by him.

The motion was agreed to; and the Senate, as in the Committee of the Whole, proceeded to consider the joint resolution (S. R. No. 64) extending the provisions of the first section of an act entitled "An act fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes," approved June 27, 1879. It extends the provisions of the first section of the act named so as to apply to all general taxes in arrear on the 1st of July, 1879, and to all special assessments due the District of Columbia and which may be paid on or before the 1st of July, 1880.

Mr. HARRIS. I ask that the first section of the act which the joint resolution proposes to extend be read.

The PRESIDING OFFICER. It will be reported by the Secretary. The Chief Clerk read as follows:

*Be it enacted, &c.,* That the rate of interest to be collected of any person owing arrearages of general taxes, or assessments for special improvements now due to, and the liens for which are held by, the District of Columbia shall be 6 per cent. per annum in lieu of the rate and penalties now fixed by law: *Provided*, This provision shall apply only to taxes and assessments paid on or before the 1st day of October, 1879.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## EXECUTIVE SESSION.

Mr. WHYTE. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifteen minutes spent in executive session the doors were reopened, and (at four o'clock and fifteen minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

THURSDAY, January 22, 1880.

The House met at twelve o'clock m. Prayer by Rev. SAMUEL DOMER, pastor of Saint Paul's English Lutheran church, Washington, D. C.

The Journal of yesterday was read and approved.

## ADMISSION TO THE FLOOR.

Mr. HAWK. Mr. Speaker, I ask by unanimous consent that General John C. Smith, State treasurer of the State of Illinois, be admitted to the privilege of the floor of the House to-day and to-morrow.

There was no objection, and it was ordered accordingly.

## PRINTING OF A PETITION.

Mr. SINGLETON, of Illinois. Mr. Speaker, I desire to ask the unanimous consent of the House to have a preamble and resolution which I hold in my hand, signed by 500 citizens of the county of Greene, in the State of Illinois, on the subject of the action of Congress on a measure now before it, printed in the RECORD. I should not make this request, but the resolutions are new and contain something of interest to every member of the House. I therefore ask that the petition be read and printed in the RECORD.

The Clerk proceeded to read the petition.

Mr. MCMAHON. I rise to a question of inquiry. Has consent been asked for the presentation of this petition?

Mr. KEIFER. I do not understand that the Speaker has asked the House whether there is objection.

The SPEAKER. The Chair does not know how any member can object until he knows what it is in reference to which unanimous consent is asked.

Mr. KEIFER. We only want to reserve the right to object.

Mr. SINGLETON, of Illinois. Is it in order to object after the petition has been read?

The SPEAKER. It is.

Mr. MCMAHON. I object.

Mr. SINGLETON, of Illinois. Certainly, Mr. Speaker, the ordinary rule would recognize that silence gives consent.

The SPEAKER. It has been ruled often that a member reserves the right to object until the subject in reference to which unanimous consent has been asked has been placed before the House so he may know whether he will object or not.

Mr. WEAVER. It has been almost read and I hope there will be no objection to it.

The SPEAKER. Objection being made the petition is not before the House.

Mr. MCMAHON. This is too serious a body to have a petition like that read here burlesquing a large body of our fellow-citizens.

Mr. SINGLETON, of Illinois. There is nothing so serious on which, and there is no place in which, the people have not the right to be heard.

Mr. MCMAHON. It is a slur on the other large number of men who have sent in petitions here by the hundred and thousand in favor of the Weaver bill.

Mr. SINGLETON, of Illinois. I do not know how the gentleman can know it is such a slur when he has not heard the petition read.

Mr. ALDRICH, of Rhode Island. Mr. Speaker, I ask unanimous consent to submit for adoption at this time a report from the Committee for the District of Columbia.

Mr. MCMAHON. I desire to say—

The SPEAKER. There is another subject now before the House.

Mr. MCMAHON. I desire only to say, Mr. Speaker, that the gentleman from Illinois showed me yesterday a memorial which I supposed was the one now pending, and before it was read wanted to object so it might not go upon the RECORD. It was a memorial against the Weaver bill and ridiculing it.

The SPEAKER. Objection being made it would not go upon the RECORD.

Mr. MCMAHON. The gentleman now informs me—

Mr. SINGLETON, of Illinois. That it is a very different thing.

Mr. MCMAHON. And, therefore, I withdraw objection.

The SPEAKER. Another subject is now before the House, and the Chair will recognize the gentleman from Illinois afterward.

## PRICE OF GAS IN THE DISTRICT OF COLUMBIA.

Mr. ALDRICH, of Rhode Island, by unanimous consent, from the Committee for the District of Columbia, reported the following preamble and resolution; which were read, considered, and agreed to:

Whereas Congress has undertaken by legislation to regulate the quality and price of illuminating gas manufactured and sold in the District of Columbia; and

Whereas it is alleged in the memorial recently presented to Congress, signed by reputable citizens of the District, that the gas manufactured by the Washington Gas-Light Company is of a very inferior illuminating quality, and that said company otherwise conduct their business contrary to the letter and spirit of the act of Congress regulating gas-works: Therefore,

*Be it resolved by the House of Representatives of the United States, That the Committee for the District of Columbia be hereby directed to inquire into the alleged infractions of law by the said Washington Gas-Light Company, and also to inquire what further legislation, if any, is necessary to secure to the Government of the United States and to the people of the District of Columbia a better and cheaper gas supply, and for this purpose the said committee are authorized to employ an expert and send for persons and papers, and to report by bill or otherwise, the expenses of the inquiry not to exceed \$200, to be paid from the contingent fund of the House.*

## IMPROVEMENT OF OCONTO HARBOR.

Mr. POUND, by unanimous consent, presented a memorial of the common council and board of trade of the city of Oconto, in the State of Wisconsin, for the improvement of the harbor adjacent to said city; which was referred to the Committee on Commerce.

## THE WEAVER BILL.

Mr. SINGLETON, of Illinois. I now ask, Mr. Speaker, by unanimous consent, as the gentleman from Ohio [Mr. MCMAHON] has withdrawn his objection, to present the petition of 500 officers and soldiers and sailors of the county of Greene, in the State of Illinois, praying for the passage of the Weaver bill, and to ask that it be printed in the RECORD and referred to the Committee on Military Affairs.

The SPEAKER. There being no objection, the petition will be referred to the Committee on Military Affairs, and printed in the RECORD without the names.

The petition is as follows:

GREENE COUNTY, STATE OF ILLINOIS, January 10, 1880.

We, undersigned officers, soldiers, and sailors of the Union Army in the late war of the rebellion, in mass-meeting assembled at Carrollton, in the aforesaid county, do hereby petition Congress and subscribe our names to the following preambles and resolutions:

Whereas all good men and true patriots, with whom the national supremacy, unity, and prosperity were at heart, and who upon the President's call voluntarily responded in defense of the nation, at the sacrifice of family ties and everything that man held dear; and

Whereas the time has come when the Government of the United States should do justice to the officers, soldiers, and sailors who served and defended the national honor in the war of the rebellion, and who were paid in greenbacks at a greatly depreciated value, while all other creditors of the Government were paid in gold or its equivalent; and

Whereas we deem it an act of justice to pay the officers, soldiers, and sailors, as set forth in the bill introduced by Mr. WEAVER, of Iowa, and now pending before Congress at Washington: Therefore,

*Be it resolved, That we earnestly request our Senators and Representatives in Congress (without regard to political parties) to support this most just and righteous measure, in justice to the men who periled their lives and home interests in defending the Union, Constitution, and integrity of our Government in the nation's darkest hour of trial and danger, pledging ourselves to support all honorable measures tending to an honest adjustment of this our just claim; and*

*Be it further resolved, That we now organize all over the nation, and that a record of the action of the respective members of Congress be kept as to their respective opposition or support given this measure, for future reference.*

*Resolved, That the foregoing petition, preambles, and resolution be forwarded to JAMES W. SINGLETON, our worthy Representative in Congress, including all the names subscribed thereto, to be presented by him in support of our claims as embodied in the Weaver bill.*

## PERSONAL EXPLANATION.

Mr. SCALES. Mr. Speaker, I rise to a personal explanation. I find in the Daily Herald the following editorial, which I ask the Clerk to read.

The Clerk read as follows:

## WHAT IT WILL COST.

The proposition of one of the North Carolina statesmen in Congress to send free to every voter in the country a daily copy of the CONGRESSIONAL RECORD is so excellent that we hope the trifling item of expense will not be interposed as an objection to the passage of the bill. In order to convince Congressmen how insignificant the expenditure really is, in view of the great advantages to be reaped by all our citizens from a daily perusal of the document in question, we have been at the trouble of making a few rough calculations on the subject. The cost of printing and circulating the RECORD would be nearly as follows:

	Per week.
Paper.....	\$600,000
Postage.....	1,020,000
Pressmen.....	25,000
Stereotyping.....	25,000
Mailing.....	25,000
Incidentals, gas, coal, &c .....	200,000
Total.....	1,995,000

In round numbers the amount would be about \$2,000,000 a week, not including the cost of presses and other machinery, which would probably run up to \$6,000,000. A printing office covering at least one-fourth of the District of Columbia would have to be built, and in addition the post-offices all over the Union should of necessity be enlarged. We sincerely hope Congress will not hesitate to give every voter a free RECORD, no matter what the expense may be. It would be cheap at any price.

Mr. SCALES. Mr. Speaker, that was published in the Herald of last Friday; and I say for myself, and I think I can say for every North Carolina member, that no such bill or petition was presented by any Representative from that State. In the RECORD of the 13th instant it is stated that such a petition was presented by Mr. WILBER, of New York. North Carolina desires to take none of the laurels of New York, and I rise for the purpose of disclaiming, on the part of North Carolina, the responsibility for this and giving it to New York.

## BANK RESERVES.

The SPEAKER. The morning hour begins at twenty-five minutes past twelve o'clock; and the House now resumes the consideration of

the bill (H. R. No. 2715) requiring the reserves of national banks to be kept in gold and silver coins of the United States, reported from the Committee on Banking and Currency by the gentleman from Missouri, [Mr. BUCKNER.]

Mr. BUCKNER. I demand the previous question on the bill and amendment.

The question being taken, there were—ayes 74, noes 44.

Mr. TOWNSHEND, of Illinois. A quorum has not voted.

The SPEAKER. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Illinois, Mr. TOWNSHEND, and the gentleman from Missouri, Mr. BUCKNER.

The House again divided; and the tellers reported—ayes 100, noes 48.

So the previous question was seconded.

The main question was ordered.

Mr. BUCKNER moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUCKNER. I now yield five minutes to the gentleman from Iowa, [Mr. GILLETTE.]

Mr. GILLETTE. The bill before the House I regard as a most serious one. Like that famous "act to strengthen the public credit," passed March 18, 1863, the object of which was to rob the public of \$600,000,000, and like almost all financial measures passed by Congress for the last twenty years, the title of this bill is designed to hide its real object. There is more in it than is apparent at first sight. Let no man be deceived. This is a direct, adroit shot at the greenback, at the legal-tender paper money of the country, and the amendment proposed by the gentleman from Delaware [Mr. MARTIN] to demonetize it wholly is in perfect harmony with the bill. It is germane to it and more creditable to its author, for it is frank and manly, and can be understood by all.

Though the bill and amendment mean the same thing, the committee reporting the measure prefer to introduce the thin end of the wedge first, making the greenback unfit to redeem more than one-half the notes and other obligations of the national banks; then it will be excluded wholly from bank reserves; and, rejected by bankers, it will be easy to demonetize and destroy it. Then the triumph of these chartered corporations will be complete; the people will have surrendered their most sacred rights to usurpers, and our Republic will be such only in name.

As the law now stands, the banks may keep all their reserves in coin if they prefer; so this bill is not to increase their privileges. It simply accomplishes what they are all struggling for, the degradation of the greenback, creating a new market and an exclusive use for coin, and imposing new limitations upon greenbacks.

We have tried this before. The greenback was created with degrading limitations. The Government that issued it refused to accept it for duties—repudiated its own money at every custom-house for about seventeen years, when our present Secretary of the Treasury, without law or authority, commenced on January 1, 1879, to honor and receive it. From that moment, because of that act, greenbacks at once took their legitimate place as the best money in the land, preferred even by importers, and actually commanding a premium over gold in many parts of our country. The original ruinous exceptions to the legal-tender qualities of the greenback have cost the country more than the whole war debt by its depreciation; and shall we, after such experience, try to reopen the gold-gambling rooms by imposing new limitations upon our money at this late day? Experience has been a dear teacher, and yet the Banking and Currency Committee of this House have already succeeded in forgetting it.

Nearly \$800,000,000 of United States bonds will become redeemable during this and next year. The leader of the republican side of the House [Mr. GARFIELD] has already introduced a bill to refund all these bonds into others that cannot be paid for a generation, (for thirty years,) no matter how great our resources. The leader of the democratic side of this House, [Mr. FERNANDO WOOD,] wishing to go one better than his republican competitor, introduced a bill to refund these bonds into new ones which cannot be paid for fifty years. Neither party proposes to pay one dollar of these bonds out of the mountain of coin (over \$200,000,000) in the Treasury, which the chairman of the Committee on Banking and Currency [Mr. BUCKNER] says "is now performing no service either to the Government or people." This sum can be indefinitely increased before pay-day; but, lest the people should discover the fraud, the lack of a single excuse for these refunding schemes, and demand the payment and destruction of these cancerous bonds, that their children may be freemen, some step is necessary to reduce the coin in the Treasury, if possible, before the bonds mature. This bill is that step, as its author [Mr. BUCKNER] admits in these words:

"I introduced this bill at the extra session, or one very similar to it, and my purpose was to unload the Treasury of a portion of its immense hoards of gold and silver."

In case it becomes a law the banks will exchange their greenbacks for coin at the Treasury, if not immediately, certainly as soon as their present stock of coin is withdrawn by an unfavorable balance of trade. Thus the greenbacks will be driven into the Treasury, and as effectively retired as if burned; not put into circulation as the advocates of this measure claim, and the coin will be hidden in the vaults of banks when pay-day comes. The syndicate vultures will then pro-

ceed to quietly fasten the shackles of a perpetual debt upon the people, mortgaging to capitalists the labor of succeeding generations, perpetuating and strengthening an untaxed aristocracy that already claims greater power than this Government, and boldly attacks the very principles upon which it was founded. The title of this bill should be, A bill to create a market for coin, to depreciate the greenback, and prevent the payment of the public debt. It is a shot from a masked battery at every interest of the people. How long do you imagine they will submit to such tactics by which bondholders and bankers would still further rob and degrade them by continuing and intrenching that sum of all financial villainies, a perpetual interest-bearing debt with the national-bank monopoly resting thereon?

Henry Clay, describing the country in 1816, in a speech "on the bank question," said "he beheld dispersed over the immense domain of the United States about three hundred banking institutions. These institutions were emitting the actual currency of the United States, a currency consisting of paper, on which they neither paid interest nor principal, while it was exchanged for paper of the community on which both were paid. He saw these institutions in fact exercising what had been considered at all times and in all countries one of the highest attributes of sovereignty, the regulation of the current medium of the country." Had Henry Clay been describing the condition of our country to-day he need have changed only one figure. Instead of a paltry three hundred banking institutions he would have said he beheld dispersed over the immense domain of the United States over two thousand banking institutions emitting the actual currency of the United States, on which they neither paid interest nor principal, while it was exchanged for paper of the community on which both were paid; in fact, exercising what had been considered at all times and in all countries one of the highest attributes of sovereignty.

It is time for alarm when this bold measure is introduced to strengthen this usurping and powerful monopoly. It is time for alarm when these two thousand odd corporations, having already entire control over the volume of our currency, and hence over the price of labor and its products, are daily not only strengthening their grip upon the people by rapidly inflating their currency, but are reaching out through this bill to possess the whole field, impatient that the people have any share in the circulation. Already they own the officers of our Government. The President, Secretary of the Treasury, the Superintendent of the Mint, the Comptroller of the Currency, whom they have actually made an honorary member of their bank association without a protest from him, are but their willing tools. When they speak to the people, by message or report, it is the voice and words of the national banks we hear. Every day brings new evidence of the fact that this administration in all its branches is sold out to this arch enemy of republican institutions, that is everywhere proclaiming that the people cannot be trusted with their own most important affairs, but must be turned over entirely to the tender mercies of these self-appointed guardians, whose only interest is self-interest.

A leading member of the republican side of this House, who is famous for his devotion to the national banks, said just after the President's late message, "There won't be a greenback left in this country in six years." This bill is a response to the President's message, and in accord with the prophecy just quoted. Either the greenbacks or the national-bank notes must go, and that at no distant day. The greenback stands to-day the sheet-anchor of this Republic. It represents the honor, the majesty, the independence from foreign and domestic usurers of the people of the United States. It is our Fort Sumter, and the rebels of Wall street have surrounded it, and this bill is their first shot. It will arouse and alarm the country, and the enemies of the people will be overwhelmed by the Grand Army of the Republic, under the battle-cry, "Greenbacks and victory!"

The only difference in the councils of those who propose in six years to destroy every greenback is as to the most favorable time and manner. Some say now. Others say wait until we are re-elected. Some say make open war upon it. Others say attack it in the night under disguise, lest the people be alarmed. The councils of the latter have prevailed in this bill.

How has this bill been managed on this floor? The members of the committee have taken four or five hours of our time, all in its favor, and allowed only a little over a half hour for its opponents to reply, showing a dogmatic purpose to crush out opposition to their measures.

I see by the morning papers that an effort was made yesterday by prominent members of this Banking and Currency Committee—which fortunately was unsuccessful—to postpone the consideration of all financial measures before the committee, including even the President's message, referred to them by the House for their report, until next December, after the presidential campaign. This is a President-making Congress with a vengeance! The leading members of the old parties trying to put an extinguisher on the people, trying to smother the bills that have been referred to them by their representatives on this floor, willing to violate every obligation and their own oaths by neglecting their duties as members of one of the most important committees in this House, because they dare not take sides with the people, and dare not take sides against them in favor of the national banks until December next, after they are re-elected. I see with shame that a colleague of mine, representing a district of Iowa, favored this measure. This same gentleman, [Mr.

PRICE,] who in the beginning of this session hastened to introduce a resolution condemning the President's proposal to destroy the greenbacks and condemning "any agitation of the financial question at this time," was, strange to say, the first man on this floor to make a speech on the subject, in which he agitated every controverted point in the currency question in a most flippant manner.

He denied the acts of Congress, the decision of the Supreme Court, Webster's Dictionary, and every other authority, by affirming that the greenback is not nor can be money, in these words: "There is no paper money, and under our Constitution never can be." His committee, too, was the first one in this session to introduce a bill to change our whole financial system, and he not only favored the bill, but, I understand, has heretofore himself introduced one of similar import. To be sure, he enlivened the greenback to quiet the nerves of the people, while his committee, with his co-operation, try to give it a death-thrust. The friends of the banks loudly deprecate agitation unless they are the agitators. "Let us have no tinkering with the finances," they say; then proceed more zealously than ever to tinker the banks up and the greenbacks down. "Let us have peace on this money question," they insist; then introduce bills like the one under discussion to knock out the corner-stone of our monetary system. Away with such insults to the people! Away with such mockery, such hypocrisy! There is an irrepressible conflict between the banks and the people, as much so as between freedom and slavery, for it is a conflict between freedom and slavery, and no temporizing, no compromising, no deception will be tolerated. The war is inevitable, and let it come! The issues are made up in this bill. The little party of the center, with the people behind them, ask for no delay, demand no quarter; for with truth and justice one man can chase a thousand, and two can put ten thousand to flight.

#### UNITED STATES COURTS IN OHIO.

Mr. CONVERSE. I enter a motion to reconsider the vote by which the House on yesterday non-concurred in the amendments of the Senate to the bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State, and asked for a committee of conference thereon.

#### BANK RESERVES.

Mr. BUCKNER. I yield ten minutes to the gentleman from Iowa, [Mr. WEAVER.]

Mr. WEAVER. Mr. Speaker, I desire for a few moments to notice the real purpose and effect of this bill. It requires very tersely every banking association to keep in gold or silver coins of the United States one-half of the reserve fund now required by law. What are silver coins of the United States? The  $41\frac{1}{2}$ -grain dollar, subsidiary coins, and the trade-dollar are all silver coins of the United States. The first is a full legal tender, the second only to the extent of \$5, and the trade-dollar, although a coin of the United States, is not a legal tender in any amount whatever. And yet, if this bill becomes a law, the national banks may keep their entire coin reserve in subsidiary coin or trade-dollars, or in both; so that by this bill these debased silver coins are exalted above the greenback which is a legal tender for all amounts. Again, to the extent that this bill requires the banks to keep gold and silver coin as a lawful money reserve it prohibits the keeping of greenbacks for such purpose, and is a discrimination against the greenback and inimical to the interests of the people. No one is so blind as not to see this.

We heard something from the gentleman from New York [Mr. CHITTENDEN] about our standard silver coins, which he styles "clipped" dollars. He sneered also at the greenback, saying it was "a popular snare and an evil device." The dollar of  $41\frac{1}{2}$  grains is a "clipped" dollar, in the estimation of the gentleman from New York, when you want to pay the bondholder, who had solemnly contracted to take it for his bond. But when the same bondholder and banker wishes to pay off his national-bank notes held by the common people, then a "clipped" dollar, a subsidiary dollar, or a trade-dollar is good enough for that purpose, and he accordingly supports this bill. [Applause.]

Sir, this is a most iniquitous discrimination against the people and in favor of the bondholder. It is the same old obnoxious class legislation over and over again.

The gentleman from New York says that the greenback is corrupting and destroying individual honesty and public virtue. Nothing could possibly be farther from the truth than such a declaration. The greenback is the only reliable dollar in America to-day. It stays at home, and is always as good as gold. There is absolutely neither sincerity nor truth in that plea; none whatever.

We owe, says the gentleman, three hundred and forty-six millions of legal-tender war debt. I beg to remind him of the fact that on the 30th of May, 1878, Congress passed a law that the three hundred and forty-six millions of greenbacks should be kept in circulation, and thus the greenback became the perpetual legal-tender money of this country. They may be a debt in their present form, but they have been made by law perpetual legal-tender money. The gentleman says Mr. Lincoln approved the act February 25, 1862, because there was no other resource; that "it was the fiat of the Government to save the nation's life." Mr. Lincoln did approve it for the very reason stated. Gold, silver, and the Shylocks of the country failed the Government in the hour of its trial, and we were compelled to

resort to legal-tender paper. It was the fiat of the Government to save the nation's life; and the same fiat is doubly necessary to-day to save the liberties of the people. But he says, the Government cannot create legal-tender paper.

A lawyer once said to an Irishman who had been placed in the stocks for some minor offense, "They can't put you in the stocks for such an offense." "They can't?" said the man, "but you see I am here already." [Laughter.] The Government has made legal-tender money, and it has been sustained on the broadest constitutional principles by the Supreme Court. But the gentleman sustains his doctrine that you can make legal-tender money, by the story of the descendant of Roger Sherman; a boy who bought a dog, and lost him, and then piled up an enormous debt to recover him again. The boy desired to convert his indebtedness into legal-tender money. Let me tell you that if there was any Sherman blood in that boy's veins he would never have wanted anything of the kind. He would have gone to his cousin, the head of the Treasury Department, where he would have received this advice: "Deposit your dog with me, get him exempted from tax, then draw 90 per cent. of his value and go into the banking business, and I will keep your dog free from expense to you, and will stamp a gold-bearing coupon, payable quarterly, on that dog's ears and on every inch of his tail." [Laughter.]

But, says the gentleman, "Tell me what is right and I will show you the law for it." That is a very fine maxim. Let me tell the gentleman that it is right to preserve the liberties of the people, and we will show you a law for it. The issue fairly before the people is this: Shall we have in this country legal-tender paper issued by the Government, or shall the people depend upon banking corporations for their circulating medium? Shall the Government or the banking corporations control the volume of the currency? Let gentlemen meet that issue fairly and squarely. The issue is between the corporations and the people. Shall we depend upon banking corporations for the volume of our currency, and in that way give the banks the control of all values in this Republic?

The House will recollect how furious the gentleman from New York [Mr. CHITTENDEN] appeared when he spoke of the soldier bill. You remember he stooped over and shook his little fist in my innocent face! His speech, fury, and clenched fist, reminded me of the old rhyme:

Two magpies sat on the garden wall  
An hour or two together;  
At first they talked of nothing at all,  
And then they talked of the weather,  
When, drawing into a fist his little claw hand,  
Says this magpie, "Upon my word,  
This is more than flesh and blood can stand,  
Or magpie or any other bird."

[Laughter.]

The gentleman goes into hysterics the very moment he mentions the soldiers' bill. He regards it as an assault upon the peculiar interests which he represents. But he is not the only gentleman who is seriously annoyed by it. A very distinguished gentleman, a citizen of the State of Illinois, a distinguished ex-soldier and philologist, said on the 20th day of this month, in a speech made not very far from this Chamber, (see CONGRESSIONAL RECORD, January 21, page 4,) that the bill introduced by General WEAVER into the House of Representatives to equalize the pay of soldiers was the worst piece of "demagogery"—"demagogery" is good—ever introduced into an American Congress.

Mr. HAWLEY. And he was perfectly right.

Mr. WEAVER. No doubt the gentleman who classes the greenbackers as among the rag-tag and bobtail of the country would say that that was perfectly right. The country, however, is not prepared to take any such declaration as that from the citizen JOHN A. LOGAN, a man who voted for the back-salary grab, and then put \$3,800 into his pocket as his part of the swag. Any such man as that, one would naturally suppose, would be opposed to doing justice to the soldier.

I understand that the gentleman from the first congressional district of Missouri has recently written a letter in which he says, that the author of the soldiers' bill is not in earnest, and that the bill will not pass. Sir, let me say that the author of that bill and the more than five hundred thousand men who stand behind him were never more in earnest than now. They were not more earnest when storming the heights of Fort Donelson or fighting the bloody battles of Shiloh, Gettysburgh, and the Wilderness. And this House must give the relief asked for, or these men will send a Congress here that will grant them their prayer.

My colleague from Iowa [Mr. PRICE] in his speech to the House a few days ago told us that we must let well enough alone. He is, in fact, the author of a resolution that we shall not agitate this question any further before Congress. He holds up his flag of truce and commands silence until he gets the currency reformers in the right position, and then he violates his flag of truce himself, and fires upon us from every stand-point, from every controverted position.

He told us that France had \$426,000,000 of silver money, and 60 per cent. more than that of gold. That would give France \$19 per capita in gold, \$12 in silver, and she has \$12 per capita in paper, making in all \$43 per capita for the entire population, while in this country we have not to-day \$8 per capita in actual circulation, although we have a population 50 per cent. greater than France, and an area of territory eighteen times larger than the territory of that country.

My colleague has occupied every sign in the zodiac upon this question of finance, and no man can tell from what he said in his speech whether he favors this bill or is opposed to it. I have read the speech carefully, but am unable to determine.

[Here the hammer fell.]

The SPEAKER *pro tempore*, (Mr. COX.) The time of the gentleman has expired.

Mr. PHISTER. As the gentleman represents on this floor a minority, who have not had a chance to present their views fully, I hope that by unanimous consent he may be allowed fifteen minutes more.

The SPEAKER *pro tempore*. Any extension of time must come out of the time of the gentleman from Missouri, [Mr. BUCKNER.]

Mr. BUCKNER. I want to dispose of this bill to-day. I yield ten minutes to the gentleman from Tennessee, [Mr. WHITTHORNE.]

Mr. WHITTHORNE. As the gentleman from Missouri gives me ten minutes, I will yield four minutes of my time to the gentleman from Iowa, [Mr. WEAVER.]

Mr. WEAVER. Mr. Speaker, I thank the gentleman. My colleague [Mr. PRICE] stands recorded in the proceedings of this House as having voted for the Bland bill. That was a bill for free, unrestricted coinage of silver. He also stands recorded at the extra session of this Congress as voting against the passage of the Warner bill, which was in substance the same as the Bland bill. Now, how he can reconcile his votes on these two measures I cannot understand, nor can they be explained, for the reason that they are absolutely contradictory. Nor can I understand how the gentleman can justify himself before this House and before the country. Let him explain if he can. Why should not this country have as much money as France? In material resources, population, and extent of territory we are vastly her superior. But my colleague [Mr. PRICE] lauds the greenback!

There is one thing I do not want him to do. He must not try to crawl into bed with the greenbackers without first taking off his republican boots and overcoat. [Laughter.]

Mr. Speaker, I hope the House will refuse to pass this bill—will recognize it as a serious attack upon the greenback, and an attempt to degrade the best currency we have, to a place even below the subsidiary silver dollar and the trade-dollar. The bill is calculated to take the greenback out of the reach of the people and place it in the hands of those who will hoard it. Under the law as it now stands they cannot do this as well as they could desire. The people have some little protection. But if this bill becomes a law they will be largely deprived of the legal-tender paper dollar. It will disappear from circulation. It is not the intention of men who have coin to sell to put the greenback in circulation. They are the enemies of the greenback. It is their intention to retire it from circulation—nothing else.

Mr. Speaker, the attempt has been made in this House since the assembling of Congress to suppress the discussion of the financial question. It cannot be done. The pressure is from without. It comes from the people, who are masters of the situation. They are discussing it in every village and hamlet, in every public meeting, in the workshops, and even in the churches, [laughter]; and they will continue to discuss it until it is settled in their behalf.

[Here the hammer fell.]

Mr. WHITTHORNE. Mr. Speaker, when this bill was about being put upon its passage some days since I sought the floor and made the statement that we were about to pass a bill the full scope and purpose of which were not comprehended. The more I have looked at the bill the more I am disposed to regard it as a Trojan horse. In my judgment it discriminates against the legal-tender note—a portion of the lawful money of the United States at the present time.

Let me turn for a moment to the existing law so that we may understand what is meant to be done or what will be accomplished by this bill. By reference to the law this requirement will be found:

Every national-banking association in either of the following cities: Albany, Baltimore, Boston, Cincinnati, Chicago, Cleveland, Detroit, Louisville, Milwaukee, New Orleans, New York, Philadelphia, Pittsburgh, Saint Louis, San Francisco, and Washington, shall at all times have on hand, in lawful money of the United States, an amount equal to at least 25 per cent. of the aggregate amount of its notes in circulation and its deposits; and every other association shall at all times have on hand, in lawful money of the United States, an amount equal to at least 15 per cent. of the aggregate amount of its notes in circulation, and of its deposits.

Now this bill proposes—

That the national bank act be, and it is hereby, so amended as to require every banking association to keep in gold and silver coins of the United States one-half of the reserve fund now required by law.

Mr. BUCKNER. The gentleman does not understand the law.

Mr. WHITTHORNE. Under the existing law, as I understand it, the security for the holder of the note of a national bank is in the credit of the Government. If to-day a national bank suspends, and for any reason becomes insolvent, the note-holder cannot claim a single dollar of the lawful money of the bank in reserve, unless he does so at the termination of the receiver's work. He would have to go, and under existing laws would go, to the Secretary of the Treasury for the redemption of national-bank notes. Now we come to inquire as to this reserve. It is intended, if for anything, under the national-bank law, as security for safe business to be done by the banks, for safety in the business of the banks, and to prevent too much discount and unnecessary and wild speculation. You propose right here under this bill to take away from the lawful money of the United States a part of its high character. Under existing law any national bank of the country can have its reserve altogether either in silver or in gold,

or in greenbacks, or legal-tender notes. You come here by this bill and propose to say you shall or may have under the law all in gold, or all in silver, but you shall not have but one-half of it in greenbacks or legal-tenders. That is the plain English of this bill.

I repeat it, sir, under this new bill you may have all the lawful reserve either in silver or gold, but you may and shall not have it all in legal-tender notes. That is the plain English of it; and will any gentleman of common sense say to me that it is not a drive at legal-tender notes? It is the entering-wedge, and intended, in my judgment, to be the entering-wedge, to the total discredit of the greenbacks of the country. Are we ready for such a contingency? Is the business of the country ready for it?

Gentlemen say, "Let well enough alone." I respond, "Let well enough alone." Let us pause right here in this era or day of prosperity and inquire what caused it to be brought about. Has it been because of accumulation of gold and silver? Having gone through an era of extravagance, a time of speculation, a period of high taxes, has that speculation given us any relief? Have high taxes given us any relief? But has it not been, on the contrary, because we have come right down to hard pan, and because the labor of the country has stripped its brawny arm and gone to work, and because the products of the earth have come to the relief of the country—has it not been because of this we have found prosperity has visited our land? And will we in the next twelve months be blessed with the seasons of plenty we have already had? Will famine visit other portions of the earth as it has in the last two years? Shall we be blessed with the same good fortune the next two years that we have seen in the past two? If so, we could then tell whether it would be necessary and proper to make any change in our existing currency laws. What this country needs, what our currency needs, is stability as much as convertibility. Mr. Speaker, stability is necessary to healthy trade, and that benefit is to be secured, not by reliance on the national banks and their stockholders, but it is to be secured by the common good sense of the people as against these men, whose interest, if not at present, may be in conflict with that of the Government and the people. What shall be money should always be the sovereign right of the Government to determine, and should never be delegated to any person or corporation.

[Here the hammer fell.]

Mr. KEIFER. Mr. Speaker, notwithstanding the painful regret expressed by the chairman of the Committee on Banking and Currency [Mr. BUCKNER] yesterday in reference to the matter of members indulging in irrelevant debate, we have been obliged to-day to listen to a great deal more of that kind of debate. But I wish to give a reason or two in the moment I have to occupy the floor why I shall vote against this bill. I shall not be in harmony with some gentlemen who have spoken against the bill here to-day.

First, let me say when this bill first came before the House for consideration the gentleman from Missouri [Mr. BUCKNER] having charge of it told us in substance that the bill was to have no effect at all upon the country. He took pains as long ago, I believe, as the 14th of January, to demonstrate, by putting into the RECORD a table, that there was coin enough now in all the banks of this country to meet the requirements of this bill. We were then to be soothed with the idea that we were to make no draught upon the reserve coin in the Treasury except to secure resumption. He then assured the House we were engaged in harmless if not useless legislation. That was the burden of his speech, and he demonstrated then that there was more coin already in possession of the national banks than was essential for the coin reserve required by this bill. But yesterday, to our surprise, he told us that he introduced this bill at the extra session, or one very similar to it, and he further said:

But my purpose was to unload the Treasury of a portion of its immense hoards of gold and silver for the purpose of diffusing them among the banks and the people.

But, Mr. Speaker, when we read the bill, we find the sole effect of it is to put the padlock of the law on \$50,000,000 of the coin of the United States, that the people cannot reach under any process known to the country. The effect of the bill is to lock up, in round numbers, \$50,000,000 of coin that the people cannot reach under any circumstances. The coin reserve required to be kept in the sixteen principal cities of this country, where they are required to keep in "lawful money of the United States" a sum equal to 25 per cent. of their circulation and bank deposits, and in the other banks of the country, in like lawful money, 15 per cent. of their outstanding circulation and deposits, which reserves aggregate, in round numbers, \$100,000,000—we are, then, Mr. Speaker, by this bill to say that one-half of that large aggregate is to be locked up in the banks, where it is not to be reached at all. It is to be absolutely withdrawn from circulation.

We are, it is true, to turn out instead \$50,000,000 of greenbacks. What for? Do the people want them? I venture to say there has not been a petition presented to this House or to the Senate, asking that these greenbacks shall be turned out and taken from the reserves of the banks—not a single one.

We are here taking up time in trying to legislate upon a subject that is not demanded by the wants of the country or by the wishes of the country anywhere. And what is the real design and purpose of this bill? If not the design, what will be the real effect of it? Not to use up, as I understand it, for we ought not to do that, the amount of coin that is now in the banks for the use of the people

whenever they go to the banks to get it; not to take up the coin in the pockets of the people, for they need that for their own uses and will be likely to hold on to it, but to compel the banks to go to the Treasury of the United States and to draw from the fund now there \$50,000,000 of the coin reserve, to lock it up so that it cannot be made available for securing permanent or continuing resumption. This is the whole scheme and design of this bill. It is unwise, and I trust no man who believes in the doctrine of having paper money and gold and silver coin abreast will vote for it. I also trust all those who believe resumption is, will, and should be maintained will vote against this bill. Not only do you take by this \$50,000,000 in coin from the Treasury vaults of the United States and lock it up, not permitting it to be used for the purposes of securing resumption—not only do you do that, but you turn out \$50,000,000 of the paper money of the country now held in reserve by national banks, and make it available to be used in an emergency by opponents of resumption for presentation for redemption.

The bill enacted into a law withdraws \$50,000,000 of coin necessary to be used for the purposes of resumption and substitutes therefor \$50,000,000 of paper money to be presented everywhere and at any time for redemption.

Now, Mr. Speaker, that is not good financial policy in this country, or at least it is in the face of what is usually regarded as good financing in any country. There should be a great center where coin is accumulated so as to strengthen the power which has the responsibility of carrying out the policy of resumption. It has been the policy of Great Britain and it has been the policy here when we acted wisely, and until very recently it has been the policy of the democratic party also.

I remember very well in the last national campaign in this country the gentleman who had the distinguished honor of being selected as the standard-bearer of democracy arraigned the party in power, the republican party, for not providing for a reserve of coin in order to procure resumption of specie payment upon the legal-tender notes issued by the Government. I have here his exact language:

The amount of the legal-tender notes of the United States now outstanding is less than \$370,000,000, besides \$24,000,000 of fractional currency. How shall the Government make these notes at all times as good as specie? It has to provide, in reference to the mass which would be kept in use by the wants of business, a central reservoir of coin, adequate to the adjustment of the temporary fluctuations of international balances, and as a guarantee against transient drains artificially created by panic or by speculation.

This I have read from Mr. Tilden's letter of acceptance. It lays down the true doctrine on this question, and the one the republican party adopted when the time came to act in the matter of carrying out the resumption act of January 14, 1875.

Mr. Tilden complained that a "reservoir of coin" was not provided several years before the resumption law was to take effect. The republican party was satisfied to provide one only when it was needed. Let us not destroy it, now that we have resumption with its good results in the revival of business, restoration of business confidence, &c.

I might read more from this letter of acceptance, but my time is too short. The proposed legislation is a direct thrust at the Treasury and at the power of the Government to maintain resumption, and we learned yesterday for the first time, from the distinguished gentleman who has charge of this bill, that it was so designed; for he then said it was to take the coin out of the Treasury of the United States, and, for fear that the money should be used as we now use the reserve provided for the national banks, he then offered an amendment to the bill which requires the money to be locked up in the vaults of the several national banks in the country. As the law is now, three-fifths of the reserve of the country banks may be kept in the cities which are selected as depositories for the redemption of the circulating notes of the banks. That is no longer to be done, so far as the coin reserve, which will be required to be kept by this proposed legislation, is concerned. It changes and alters the entire national-banking system, so far as the reserves are concerned. We shall no longer keep any portion of this one-half coin in any of the cities selected for the purpose of deposits in order to secure the redemption of the circulating notes of the banks. There are eighteen of these cities in this country. Of these eighteen, seventeen may, under certain circumstances, select banks in the city of New York where they may keep a portion of their reserves, and thus make available for business purposes a large amount of money as required now to be kept under the present law.

Let me say in conclusion, Mr. Speaker, as the law now stands every bank, if it is wise, or if necessary, will keep coin as a part of its reserves. These banks are required to keep their reserves in lawful money of the United States. The lawful money of this country is defined by the statutes to be gold and silver coin, United States Treasury notes, and demand Treasury notes for the purpose of the banking law of the country. I think that the passage of this bill would be the first great blow at the established policy of this country, that policy that has been so wisely undertaken and so successfully maintained, namely: the policy of resumption of specie payment after it had been so long suspended.

Mr. BUCKNER. I demand the previous question upon the bill.

The SPEAKER. The first question is on the amendment offered, which will be read.

The Clerk read as follows:

In line 4 of the first section, after the word "keep," insert the words "in their vaults;" so as to make it read:

That the national-bank act be, and it is hereby, so amended as to require every banking association to keep in their vaults in gold or silver coins of the United States one-half of the reserve funds now required by law.

The question being taken on agreeing to the amendment, there were—ayes 35, noes 79.

Mr. BUCKNER. A quorum has not voted.

The SPEAKER *pro tempore*, (Mr. Cox in the chair.) A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Missouri [Mr. BUCKNER] and the gentleman from Ohio, [Mr. KEIFER.]

The House again divided; and the tellers reported—ayes 33, noes 73.

Mr. BUCKNER. I do not call for further count.

So the amendment was not agreed to.

The question recurred on ordering the bill to be engrossed and read a third time; and being put, there were—ayes 30, noes 140.

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

The yeas and nays were ordered, 47 members voting therefor.

The question was taken; and there were—yeas 80, nays 158, not voting 53; as follows:

YEAS—80.

Aldrich, N. W.	Dwight,	Lounsbury,	Rothwell,
Aldrich, William	Einstein,	Martin, Edward L.	Russell, William A.
Ballou,	Field,	Mason,	Shallenberger,
Bayne,	Fort,	McCook,	Slemons,
Belford,	Frye,	McLane,	Smith, William E.
Bingham,	Garfield,	Miles,	Talbott,
Blake,	Goode,	Mitchell,	Thomas,
Bliss,	Harris, Benj. W.	Monroe,	Thompson, W. G.
Boyd,	Hawk,	Morse,	Tyler,
Brigham,	Hawley,	Morton,	Updegraff, J. T.
Backner,	Hazelton,	Newberry,	Updegraff, Thomas
Butterworth,	Henkle,	Nicholls,	Upson,
Carpenter,	Henry,	Norcross,	Urner,
Chittenden,	Herndon,	Overton,	Van Aernam,
Covert,	Hiscock,	Page,	Van Voorhis,
Crapo,	Humphrey,	Poehler,	Wait,
Daggett,	Hutchins,	Pound,	Washburn,
Davis, Joseph J.	Lewis,	Price,	Wells,
Deuster,	Lindsey,	Rice,	Willits,
Dick,	Loring,	Ross,	Yeung, Thomas L.

NAYS—158.

Acklen,	Cravens,	James,	Samford,
Aiken,	Crowley,	Johnston,	Sapp,
Anderson,	Culberson,	Jones,	Sawyer,
Armfield,	Davidson,	Keifer,	Scales,
Atherton,	Davis, George R.	Kelley,	Shelley,
Bachman,	De La Matyr,	Kenna,	Sherwin,
Baker,	Deering,	Kitchin,	Simonton,
Barber,	Dibrell,	Klotz,	Singleton, J. W.
Beale,	Dickey,	Knott,	Smith, A. Herr
Beltzhoover,	Dunn,	Ladd,	Sparks,
Bicknell,	Dunnell,	Lapham,	Speer,
Blackburn,	Elam,	Le Fevre,	Springer,
Bland,	Ellis,	Lowe,	Starin,
Blount,	Errett,	Martin, Benj. F.	Steele,
Bouck,	Evins,	Martin, Joseph J.	Stevenson,
Bragg,	Farr,	McCoid,	Taylor,
Brewer,	Ferdou,	McKinley,	Thompson, P. B.
Briggs,	Ford,	McMahon,	Tillman,
Bright,	Forney,	McMillin,	Townsend, Amos
Browne,	Frost,	Mills,	Townshend, R. W.
Burrows,	Geddes,	Morrison,	Tucker,
Cabell,	Gillette,	Muldrow,	Turner, Oscar
Caldwell,	Godshalk,	Murch,	Turner, Thomas
Camp,	Gunter,	Myers,	Vance,
Cannon,	Hall,	New,	Waddill,
Carlisle,	Hammond, John	O'Connor,	Ward,
Caswell,	Hammond, N. J.	O'Neill,	Warner,
Chalmers,	Harmer,	Pacheco,	Weaver,
Clafin,	Harris, John T.	Persons,	Whitthorne,
Clardy,	Haskell,	Phelps,	Wilber,
Clark, John B.	Hatch,	Phister,	Williams, Thomas
Clymer,	Hayes,	Reagan,	Willis,
Cobb,	Heilman,	Reed,	Wilson,
Coffroth,	Hill,	Richardson, D. P.	Wood, Fernando
Colerick,	Hooker,	Richardson, J. S.	Wood, Walter A.
Conger,	Hostettler,	Richmond,	Wright,
Converse,	Houk,	Robertson,	Yocum.
Cook,	House,	Russell, Daniel L.	
Cowgill,	Hunton,	Ryan, Thomas	
Cox,			

NOT VOTING—53.

Atkins,	Henderson,	McGowan,	Singleton, O. R.
Bailey,	Herbert,	McKenzie,	Smith, Hezekiah B.
Barlow,	Horr,	Miller,	Stephens,
Berry,	Hubbell,	Money,	Stone,
Bowman,	Hull,	Muller,	Valentine,
Calkins,	Hurd,	Neal,	Voorhis,
Clark, Alvah A.	Jorgensen,	O'Brien,	Wellborn,
Davis, Lowndes H.	Joyce,	O'Reilly,	White,
Ewing,	Ketcham,	Orth,	Whiteaker,
Felton,	Killinger,	Osmer,	Williams, C. G.
Finley,	Kimmel,	Pierce,	Young, Casey.
Fisher,	King,	Robeson,	
Forsythe,	Manning,	Robinson,	
Gibson,	Marsh,	Ryon, John W.	

So the House refused to order the bill to be engrossed and read a third time.

During the roll-call the following announcements were made:

Mr. STEVENSON. The gentleman from Kentucky [Mr. MCKENZIE]

is paired with Mr. HUBBELL, of Michigan. Mr. MCKENZIE is confined to his room by sickness.

Mr. WAIT. Mr. JOYCE, of Vermont, is detained from the House by illness, and has been for two or three days past.

Mr. ROBINSON. I am paired with Mr. HERBERT, of Alabama.

Mr. STONE. I am paired with the gentleman from Mississippi, [Mr. MONEY.] If he were here, I should vote "no."

Mr. CALKINS. On this question I am paired with Mr. MANNING, of Mississippi. If he were present, I should vote "ay."

Mr. HARMER. Mr. FISHER, of Pennsylvania, is paired with Mr. BERRY, of California.

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

Mr. TOWNSHEND, of Illinois, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the House of the following title; when the Speaker signed the same:

An act (H. R. No. 3108) amending the charter of the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia.

ORDER OF BUSINESS.

Mr. BLACKBURN. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of further considering the report of the Committee on Rules.

Mr. WILSON. I desire to make a privileged report.

The SPEAKER *pro tempore*, (Mr. COX in the chair.) The gentleman from Kentucky was recognized by the Chair.

The motion of Mr. BLACKBURN was agreed to.

REVISION OF THE RULES.

The House accordingly resolved itself into Committee of the Whole, Mr. CARLISLE in the chair.

The CHAIRMAN. The Committee of the Whole resumes the consideration of the report from the Committee on Rules. The gentleman from New Jersey [Mr. ROBESON] is entitled to the floor.

Mr. ROBESON. Mr. Chairman, in accordance with an arrangement which I feel called upon to fulfill, I yield eight minutes of my time to the gentleman from Kentucky, [Mr. OSCAR TURNER.]

Mr. OSCAR TURNER. Mr. Chairman, I did not desire to trespass on the time of the committee upon this question; but inasmuch as a part of the time that was allotted to the Committee on Levees and Improvement of the Mississippi River was taken up by gentlemen on the other side I have concluded to offer a few remarks explanatory of the motives of our committee in offering the amendment proposed by Mr. ROBINSON. And I will take occasion right here to say that there was no intention on the part of any member of the Committee on Levee Improvements to cast any reflection upon the Committee on Commerce, much less upon my distinguished friend the chairman of that committee, General REAGAN, of Texas. We all entertain for him the highest regard as a legislator—I know that I do personally—and would not reflect upon him in any way. But, sir, the question that we wanted to present to the Committee of the Whole was this: that the improvement of the navigation of the Mississippi River and of its tributaries was a question so momentous and involving so much labor that the Committee on Commerce had not the necessary time to devote to that specific subject. We thought that the House ought to act in accordance and in analogy with the precedent that has been set heretofore in regard to the Committee on Pacific Railroads. It is well known that we have the Committee on Railways and Canals, which had a general jurisdiction coextensive with the Union; but notwithstanding that when these railroads to the Pacific were projected a new Committee on the Pacific Railroad was formed in this House on account of the magnitude of the work and the labor which would be required in investigations of a proper character.

Mr. Chairman, appropriations have been made for many years without any general plan by which the navigation of the Mississippi and its navigable tributaries were permanently improved; appropriations have been made for this point and that, as the popularity of a member might secure them, under a log-rolling system, in harbor and river improvement bills, passed under a suspension of the rules without debate, in many instances appropriating public money to unimportant streams which I have not the time to refer to in my limited time. I refer to the defects in this system of improvements on the tributaries of the Mississippi as it has been carried on for many years, because it comes within my own knowledge and sad experience to know something about the matter, and because the people whom I have the honor to represent on this floor have felt the want of a proper and judicious plan of improvement of the Ohio River.

The amount of money which has been appropriated to the improvement of this river, which is the natural outlet of the larger portion of the agricultural products of Illinois, Indiana, Ohio, and Kentucky, might as well have been thrown into it, with but few exceptions. Small amounts have been appropriated to improve such particular points as could be secured by the influence of Representatives, with no view to any general or judicious system, but more to drop a few thousand dollars at a particular locality than to accomplish any general good.

Mr. Chairman, I will give you an illustration of what I mean. In

the district which I represent is the city of Paducah, at the mouth of the Tennessee River, the emporium of Southern Kentucky and a part of West Tennessee, one of the best manufacturing points west of the Alleghany Mountains, with an inexhaustible amount of iron, coal, and timber just above on the Ohio, Cumberland, and Tennessee Rivers, all of which could be utilized and made to add to the general wealth and prosperity of the country; and besides this Paducah is surrounded by the finest tobacco-growing country in the United States, and is the second largest tobacco market west of the mountains, and yet we have been forced, poor as we are, to build railroads at our own expense, with no subsidies from the Federal Government, and at an immense and ruinous cost to our people, to remove the products of honest labor and to give us intercourse with other points on the rivers.

And why is this? Nature has given us the Ohio as a great highway, the Tennessee and Cumberland empty into the Ohio at our very doors, and we are only fifty miles from the mighty Mississippi; and yet, Mr. Chairman, we are debarred of these great natural commercial advantages because there is a ledge of rocks in the river called the Grand Chain, and one bar just above the mouth of the river, locking in not only our commerce, but the whole commerce of the States lying on the Ohio, Cumberland, and Tennessee by reducing the water at these points to 30 inches in the summer months, and forcing us to resort to railroads, with their high and extravagant rates of carriage, which swallow up the profits of the farmers and the artisans of our country. These barriers would not block a single harbor in the Northern States twelve months. The money would have been appropriated to remove them as soon as it was suggested, as the appropriation annually of millions to northern harbors shows.

Mr. Chairman, allow me to say something here in reply to an observation which was made by my distinguished friend from Texas, [Mr. REAGAN,] who said that there had been a spirit of liberality exhibited toward the Mississippi River and its tributaries by the Committee on Commerce. I desire to invite the attention of this House for a few moments to that matter. Since those improvements commenced we have had appropriated for that purpose only \$7,000,000, while over \$200,000,000 have been appropriated for the improvement of northern harbors and unimportant rivers. Now let us look at the equity and justice of this thing.

In 1878 the State of Kentucky paid over \$6,000,000 into the Treasury, as shown by the report of the Commissioner of Internal Revenue, which I have here. The district, part of which I have the honor to represent, paid about \$1,000,000 into the Treasury in that year.

I will refer to the amount paid into the Federal Treasury by States along the Ohio River since 1863. Illinois has paid \$233,673,726.50, Kentucky has paid \$101,012,299.47, Indiana \$72,664,558.61, and the great State of Ohio \$246,397,075.46 of internal revenue since 1863. As I have said, Kentucky in the last twelve months reported by the Commissioner has paid \$6,880,614.15 into the Federal Treasury, which is more than double the amount paid by all the New England States in the same length of time.

Now, what have we had in return? It is true that we have not been urgent in our claims before Congress; but when gentlemen talk about the equity and justice that have been meted out to us I must say that I cannot see it. I do not contend that we ought to have improvements in proportion to the revenue which we pay; but it does seem to me that these facts ought to enter into the consideration of the question when we ask for an appropriation.

I shall vote to give entire jurisdiction over the subject of the improvement of the Mississippi River and its navigable tributaries to the Committee on Levees and Improvements of Mississippi River, but have no objection to the supervision of the report by the Committee on Appropriations, to regulate the amount annually; for I am opposed to any extravagant or useless appropriations for this or any other purpose, and only advocate giving the jurisdiction to this committee because I believe it will utilize such appropriations as are annually made, and will be in the interest of retrenchment and reform.

[Here the hammer fell.]

Mr. ROBESON. I rise to speak upon this subject, Mr. Chairman, with a consciousness that I am ignorant utterly of details, and therefore shall confine the few remarks I make to the discussion of general principles. I shall endeavor to be as compact as possible in the presentation of my ideas, feeling that it is proper that the committee having charge of this subject should have control of all the time that is left for general debate.

By the experience of ages, and the common consent of all intelligent men, rules are found to be necessary to the proper transaction of business in all large assemblies of men. The tendency of large bodies of men is always to excitement. Individual feeling grows by contact and association, and without the restraints of settled rules and organized systems, legislative assemblies would not be deliberative bodies, but would be liable to be swayed by the interests and the passions of the hour.

We often feel that rules are inconvenient, and I have heard it said more than once on this floor that they served only as means of obstruction. Mr. Chairman, they should be obstructive, for more than one-half the business which is thrown upon this House should never be transacted at all, and more than one-half of the remainder should not be passed until it is systematized and reduced in the alembic of deliberation through the slow processes prescribed by the rules.

Business should be analyzed by committees, generalized by reports, molded in the heat of debate, and cooled by the slow processes of the rules until the crude ore of governmental policy comes out of the furnace of legislation not only with the structure but with the temper that will make it enduring and useful. All good is produced by slow processes. Everything that is valuable in the productions of the human mind comes from thought and continuous labor. The easy and spontaneous productions of nature fade away like the snow before the morning sun; but the enduring structure and imperial essence of adamant are produced by the gigantic forces of nature through the processes of unnumbered ages.

Mr. Chairman, we all owe our thanks to this Committee on Rules. From an incongruous and incomprehensible mass they have deduced a system compact, simple, clear, and congruous. It is easily seen that they brought to their investigation the wisdom of mature years, the knowledge gathered by long experience, comprehensive philosophy, energy, industry and capacity. I do not say that their results are in every respect perfect. I think them faulty in one or two particulars. Let us reform those particulars if we can; but if we cannot, gentlemen of the American Congress, let us not fail to take them as they are. They are a vast improvement on anything that we have ever had, and amended or not amended they are broad in their compass, wise in their system, compact in their structure, and understandable in their details, and they are an immense improvement on anything we can hope to have if we reject them.

Mr. Chairman, the business of the country to be transacted in a great assembly like this must of course be committed to committees for examination, digestion, organization, and accomplishment. The general business of Congress divides itself naturally into three classes: first, legislation; second, revenue; third, appropriations. First, legislation for the purpose of doing the business of the country, for carrying on the Government, for securing the rights which that Government guarantees to its citizens, and for the progress and development of the country. These three general propositions include within their compass all the subject-matters of general legislation. The second class comprises the subject-matter of the revenue—the means by which the money of the country is to be raised and collected from the people and the property of the country. The next and final division is, naturally, the appropriation of that money. Let me repeat—first, the requirements of legislation; second, the raising of the money; third, the application of that money.

It is not possible, Mr. Chairman, for any one committee to do all this business. No one committee can investigate and understand everything necessary and proper to originate legislation to raise the money for it, and to divide and appropriate that money. Therefore this House is divided into sub-committees to each of which is committed a portion of its business. These sub-committees are divided into three general classes, corresponding to the divisions I have indicated. To the great departmental committees and those of like nature are committed the legislation for the maintenance of the Departments, and for carrying on the business of the country. To them is committed the investigation, the digestion, the organization, and accomplishment of that business; and to them it should be left. They are specially delegated with those duties; they are specially clothed with those powers. They give to the different subjects special investigation and special study. By long continuance of service on particular committees, they acquire a knowledge of systems and of details; and it is only by leaving legislation to them that you can have a settled and harmonious policy in any department of the Government.

Wise economy is brought about by system and settled policy; and you can have no really economical service in any department unless you have a committee which year after year and session after session, as long as the party which they represent dominates in the country, establishes a settled and continuous policy which can be worked out from its base to its consummation.

I have said, Mr. Chairman, that in the body of rules which this committee have reported I find one or two departures from system. I find that while generally they give the subjects of legislation to the appropriate committees, and while they give to the Committee of Ways and Means its appropriate duty of raising the revenue, yet they give to the Committee on Appropriations not only the power of appropriation in all cases, but in some cases the power of legislation also. This is a departure from the science of their system, and so far a mistake. I do not believe that the various committees to whom is intrusted the legislation of this country should also be intrusted with the appropriation of the money, because this last I hold to be the province of the Appropriations Committee—a committee which not only adds, multiplies, and subtracts, as my friend from Connecticut [Mr. HAWLEY] said yesterday, but a committee which must investigate, understand, and take into consideration the results of the action of all the other committees.

They must examine work of the Congress as a whole. They must take into consideration what are the requirements of each particular department as represented by its appropriate committees; what are the means supplied by the Ways and Means Committee, and looking over the whole field, and aggregating and considering the whole system, they must determine what it is wise to appropriate to each particular object. Not the objects, but how much can be appropriated to each. No individual committee, which has in hand only the interests of its own business, can possibly know what are

the results of the work of all the other committees. This is not their province, and it is not expected of them. Therefore it is that this Appropriations Committee is necessary. It is a sort of universal solvent that deals with the results of the action of all other organized committees, and puts them in a systematic policy, for which the party which they represent is responsible. And when they have done that they have done all that they ought to do. They should be required to appropriate according to existing laws alone; and when the other committees, as the result of their labors, have established policies expressed through existing laws, it is the duty of the Appropriations Committee to abide by those laws, and to appropriate according to the deliberate sense of Congress as written upon the statute-book.

They have business enough on their hands if they assimilate, aggregate, make uniform, and compact all the work of the other committees.

Now, I find in the last clause of the twenty-first rule this provision:

Nor shall any provision in any bill or amendment thereto changing existing law be in order—

So far exactly right—  
except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

That is to say, the whole subject of legislation, so far as it can be brought by the farthest stretch of refinement within the idea of present and future reduction of expenses, shall be committed to the Appropriation Committee—the power to destroy systems, the power to break down policies, the power to make laws which interfere with individual rights and public duties—and all this power given them when it is confessed they are not the committee who are charged with the investigation, the organization, and the development of the subjects upon which they legislate.

This is the defect in that system, almost the only defect that I can find in these rules. Strike that out, and each committee has its proper duty. Each investigates, decides, and enforces what shall be the policy of each department, making a uniform and consistent whole of legislation, and leaving with the Ways and Means the function of providing, and to the Appropriations Committee that of distributing the money to carry it out, looking to the business of the Government as a whole, and not to any particular interest.

But there is another objection to allowing this committee to legislate, more potent to my mind than any other, and it is this: When the Appropriations Committee puts legislation on an appropriation bill, they exercise duress on the judgment of the House and the legislation of the country. No man votes exactly as he would; no one is as free to act as if it were an independent proposition. All legislation is driven through under the whip and spur of the pressure of appropriations. You must submit to break up the half of your policy, or you must lose it all. You do not approve the particular proposition, but you must go for it, otherwise there will be no money for the uses of the Government.

I am speaking on this subject, and I mean to speak on this whole matter broadly, not in the interest of any party, not representing the views of any faction, with no spirit other than that which looks to the good of the country as a whole; and I appeal to you, gentlemen, legislators of the United States, as you are answerable to your own consciences and to your constituents, do you mean that the general legislation of the country shall be forced through under any kind of duress at all? This idea strikes at the very end and center of a deliberative body. The freedom of all deliberation and the freedom of all action will be gone where any such system prevails.

Now, sir, I do not know, because I have not sufficiently examined details, and am not sufficiently familiar with them to know, whether by merely striking out that exception we will reach the evil complained of or not, but I trust that some one before these rules are disposed of will bring in an amendment to them which will strike out this incongruity and leave this proposition which this Committee on Rules has presented a complete, compact, understandable, symmetrical whole. Here is the point at which they depart from their own principles, and that they do depart from principle a child can see, and he that runs can read as he runs. But a remedy is proposed to this defect which, to my mind, is worse than the disease itself; it is a proposition to give the appropriation in each Department to the committee which is intrusted with the legislation on that Department. That only multiplies the evils. All the legislation of the country would then go through on appropriation bills. Every committee intrusted with the business of a Department, working out its interests and accomplishing its results, after working through the session on the subjects involved, would embody in one bill of appropriation all the legislation they desired to have forced through this House. All freedom of action would be paralyzed, all discussion would be arrested, and all legislation, instead of being accomplished by free action and free discussion, would be passed on appropriation bills and under the pressure of the necessities of the various Departments for carrying on the Government. You must double this establishment if you would have it at all; you must reduce this service by one-half or you must lose the whole. This would be the argument and the incentive presented in every case.

And how is it possible for these individual committees, engrossed in their own work, wrapped up in their own purposes, seeking their

own ends, how can they understand and take into consideration the results of the actions of all the other committees? The Naval Committee cannot know what the Military Committee is doing, and the Military Committee cannot know what is contemplated by the Post-Office Committee, nor can the Post-Office Committee know what is required by the Indian Department. They are not appointed nor have they the time or means to investigate all those subjects; nor, if they could, could they agree upon them with each other. They represent different Departments, developing different views, with different feelings and different interests, and they cannot come together as a whole and present to this House a requirement from each committee consistent with all the others. Therefore the remedy proposed, in my opinion, is worse than the disease. The real and simple remedy is to give the legislation to the committees who have charge of the subject. Give them that duty, that responsibility; let them take it; let them work up to it; trust them with it wholly, and let them have the entire duty and responsibility. They will be found worthy when they are intrusted with the responsibility. It is of the nature of man to rise to the level of the action of which he is a part. Intrust these committees with great responsibility, and these committees will be found worthy of the great trust, and they will each and all develop the power and the influence which should belong to them in this House and in its legislation.

But, Mr. Chairman, let them not on their side demand what is contrary to the philosophy of government and contrary to the organization of all deliberate bodies since intelligent representative government began. I will cite a single instance. The confederate constitution, if I am not misinformed, made by men experienced in the business of this assembly, actually provided, in effect at least, that no legislation should be upon appropriation bills, or at least that it should not have the effect of duress either upon the House or upon the Executive. I cite this as a single illustration which occurs of wise provision resulting from long experience.

It will be objected, Mr. Chairman, to this idea which I have endeavored to illustrate and enforce that in time of peace and in a country like ours, where the Government and its operations are directed toward the development of the resources and the bringing out of the wealth and power of the country, that often appropriation is legislation, that it is impossible to divide by any distinct line over which it is not easy to step the functions of legislation from those of appropriation; that often mere appropriation is legislation. Be it so, Mr. Chairman, each subject-matter of legislation will grow in importance in Congress and before the country as the necessities and conditions of the Government require; each committee will grow in importance and in power as the subject-matter which is intrusted to it becomes important to the legislation of the country.

In time of war the Army and the Navy committees will be the leading committees of this House, no matter what other committees are organized or what ability is upon them, because the attention of the people is directed to the condition of the country and necessities which grow out of this condition of war. In times of great constitutional legislation and discussion, the Judiciary Committee and the Committee on the Revision of the Laws will step to the front, because they will then be in the eye of popular regard, since theirs will be the subject of interest to the people. An instance occurs to me, of which I will remind the House.

You all remember how some twenty or more years ago when Mr. Stephen A. Douglas was the acknowledged leader of the democratic party in the Senate of the United States, that he resigned his position as chairman of the Committee on the Judiciary, I believe, to take the position of chairman of the Committee on Territories, a committee which before that time had little of importance to attract any notice in the country or the ambition of any statesman. But he took the chairmanship of that committee and as the leader of its deliberations he occupied the attention of the country and controlled the legislation of the Government because the organization and government of the Territories was then the important subject which occupied the attention of Congress and the people.

In times of peace, then, when the simple progress of the country is the object of Government; when the development of its resources, the increase of its wealth, the wise building up of its power occupies the attention of the people, then it is right that this Appropriations Committee, which has the distributing of this money, should be the leading committee of the House, and no provision can take it from them. Theirs is the important function in the Government, theirs the position which has a right to govern and to control the action of this House. And let me tell you, gentlemen, one other thing—and I speak in no party sense, for I speak neither in the interest of any faction nor as the representative of any party—you cannot carry on the business of Government, for which the dominant party is responsible, unless you have one center of leadership. A dozen leaders will break up any party and destroy any system of government. I speak not for the present time merely, nor from my stand-point as a member of the minority, but I speak in the interest of all parties and for the good of the whole Government. I am a party man. I hold that they are the voluntary organization through which the will of the people is organized, expressed, and executed. In a country like ours, inclosing such a vast area, and presenting so many interests and feelings, the political sentiments of large masses of the people can only be organized around party standards representing great principles

upon which these masses are agreed. These principles can only be enforced by party organization and action. Without this right principles will be powerless, for they will never have expression, and faith, however truthful, will be dead, since it is without effective works.

Now, gentlemen, do I speak as a partisan or as a man who understands and realizes that the business of the Government must be done, if it is done at all, by the dominant party in Congress; that it must be accomplished, if it is to be accomplished at all, by that party that has the majority and the power which belongs to the majority? And we all want it accomplished, even though we may not agree in all the particulars.

Gentlemen, you can have no proper control over legislation as a party, no settled policy, no successful accomplishment unless you have single and defined leadership; and whatever committee it is whose subject-matter at any time stands in the eye of public regard, whatever committee it is whose general business, to them intrusted, becomes the center of the attention of the country, that committee must of necessity be your leading committee for the time; and you are tearing down your own temple of power if you struggle to break down that concentrated power and effective leadership.

Mr. Chairman, I have already occupied more time than I have a right to consume under the circumstances of the case. I trust that the little I have said will be accepted as having been said without party spirit, and with a disposition to deal with the practical interests of the country and the real business that we have on hand. If I had felt justified in consuming more of your time, I might perhaps have stated my propositions more clearly, urged them with more logical power, and illustrated them with more convincing argument; but, such as they are, the House must take them in their crudity and digest them with their better wisdom.

Mr. FRYE. Mr. Chairman, the discussion of the report of the Committee on Rules thus far has seemed to me to be a contest between committees as to jurisdiction, very largely; and it has developed much more of criticism than of commendation. Now, criticism is healthy, and I, for one, do not object to it; but commendation is, to say the least, agreeable, and I wish briefly to point out certain reasons why in my judgment the Committee on Rules is entitled to more of the latter and less of the former.

And first, I desire to pay a deserved tribute to the democratic majority of our committee. In these days, when party spirit runs high, when it permeates almost the whole body-politic, provokes bitter hostilities, jealousies, and dissensions, incites the majority to ride rough-shod over the minority, justifies or acquiesces in the overturning of the will of the people as expressed at the polls, seizes upon the governments of great States in the face of the Constitution and the laws, it is indeed refreshing to record one instance, at least, where this spirit has been completely exorcised, where the decree, "Get thee behind me, Satan," has been fully executed. From the beginning of our deliberations down to the signing of the report there never has been the slightest evidence of partisanship on the part of the democratic majority of the committee; and I think they will bear the same testimony as to the republicans. There have been no heated discussions, no dissensions, no attempts to trample upon the rights of the minority. On the contrary, at the very outset we passed a resolution that no amendments to the rules should be made except by unanimous consent, and wherever we disagreed the old rules should be reported. Hence you find some rules here which have not received the indorsement of this committee, and to which your attention will be called.

Now, sir, we have had, I think, but one single purpose in all of our deliberations, and that has been to reduce madness to method, chaos to order, discord to harmony, duplicity to simplicity; to so revise, amend, and codify these rules as to make them aids to intelligent legislation. This was not an easy work to do, gentlemen. Many of you know that it was not a purpose easy of attainment.

Why, sir, these rules have been growing up since the foundation of our Government down to now, and with no natural regular growth. Necessities of parties, the whims of Speakers, contradictory decisions, the practice of the House, requirements of the occasion, uncertain and doubtful language—all these have combined to make a body of rules calculated better than anything else to distract the legislator and to obstruct legislation; a body so full of intricacies and secrets that only the most skillful and trained anatomist could by any possibility dissect it and reveal them.

Many of you know this; for many of you sat down conscientiously and courageously to master this problem of the rules; and how soon have you found that a little knowledge was a dangerous thing, and that much was the work of a life-time. Why, sir, I remember perfectly well the first Congress I ever was in that it was almost impossible for me to prevent myself resigning, from the fact that I was a mere cipher, an utter nobody, because I could not penetrate the very outside door of this incongruous mass of rules. And you, gentlemen, many of you, have had the same feeling. When I appeal to you to know whether or not the purpose we had was easy of attainment you will say to me emphatically and feelingly, "no;" but it was worthy only of commendation and praise if undertaken and partially effected. You have had the report of our committee before you. It is full; it is complete. I have no doubt the most of you have read it with care. You see there our purposes, our methods, and the results. And are we

not, gentlemen, entitled to some degree of commendation for what we have done?

Let me point out a few things, and I only will a few, because others of the committee, I suppose, are to follow me, and I will not trespass upon them. Take the first and what seems the simplest. We have undertaken to group all rules touching one subject under one rule, like "the duties of Speaker," like "motions," like "amendments," like "committees of the whole." Heretofore, if you desired to discover anything in relation to any one of these subjects you never knew where to stop until you had reached the very last rule in that book, while here you have it all at a glance. Now, sir, this was not a stupendous work for gigantic intellects; but it was a painstaking work, requiring great labor and great care. Are we not entitled to commendation for that? Again, there were some thirty or forty of these rules obsolete in whole or in part. How could the gentleman from Massachusetts, [Mr. HARRIS,] the first four years he was here, tell what was obsolete and what was operative, with no guide, nothing to point it out?

Now what, in the name of common sense, are our rules for? They ought to be guides, charts. Every sunken rock, every hidden ledge, every lee-shore, and every dangerous shoal is supposed to be marked with a buoy, a beacon, a light to be pointed out by lines and numbers, so that we can take our chart, and, observing it with careful eye, can pilot our little vessel safely through to a harbor.

Yet these rules are in fact no chart. Half of the sunken rocks have been blasted away; new ledges have been discovered, new reefs have been found; and yet there have been no marks to show them, no numbers to indicate them. And if you undertake to be guided by that chart you would be in the condition of the pilot in the sound, who assured the captain that he knew all the rocks there. All of a sudden the vessel ran on a ledge, and the captain said to the pilot, "You infernal scoundrel! I thought you said you knew where all the rocks were." "So I do," said the pilot; "and there is one of them." [Laughter.] That was about the only way a new member, at any rate, could tell where any sunken rock in this chart was—by running his vessel on it.

Again, there were practices of the House which had come to be law from long custom, yet which were in direct contravention of the rules. Again, there were rulings of the presiding officers which were diametrically opposed to each other on the same rule.

Now, gentlemen, we have undertaken to make an open pathway, and with guideboards to point the youngest member of Congress, so that if he has anything committed to his charge he can pursue his way to the end. Under the old rules, by the old pathway, when I as a young member took something which my constituents had intrusted to my care and started along boldly with it, thinking I saw the guideboard, all of a sudden the sharp gentleman from Michigan [Mr. CONGER] dropped an impassable barrier right across my path, and I retired to my seat dismayed, confused, disgusted with legislation and legislators, and with myself more than either. [Laughter.]

Are we not entitled to some commendation in this, that we have repealed the rules obsolete in whole or in part; ay, more, that we have made rules carrying out the practices of the House, which cannot be misunderstood; ay, more yet, that we have selected between contradictory rulings of the presiding officers of the House, and embodied that in a rule which commanded itself the most as an aid to legislation?

I now come to some amendments which we have proposed, and I will take first that one which occurs to me to be the most important, the rule in regard to the calling of committees for reports. We have provided that there shall be a morning hour every day, except Monday, for reports from committees, and that that morning hour shall not be dispensed with except by a two-thirds vote. We have provided that the committees shall be called in regular order; that they shall report their business to this House, and that it shall go, not *may* go but *shall* go, at once, each class of business to its own proper calendar. We provide that public bills or business not making appropriations shall go at once to a calendar of the House, a new calendar which we have created. We provide that public business appropriating money shall go to a calendar of the Whole House on the state of the Union. We also provide that private business, whether appropriating money or not, shall go to the Committee of the Whole House on the Private Calendar.

How has it been heretofore? Why, gentlemen, you all know perfectly well that the morning hour has been almost entirely useless; that it has been directly obstructive to legislation. Take the morning hour under the rules as they now stand. A committee with business comes before you to occupy that hour in its turn. It makes its report to this House of some simple measure. Discussion springs up, and develops from its springing up, and grows from its development, and the first thing you know the morning hour is entirely consumed, and away that bill goes over to the next morning hour, when the same thing again takes place. Only one member of that committee, in the two hours to which it is entitled, has the privilege of reporting anything. He reports what he regards as the simplest bill in his charge, in order to afford the other members of the committee an opportunity to report their bills, and to his amazement the whole time assigned is consumed while nothing has been effected.

I have been on the Judiciary Committee for eight years, I think. The real weight of its business is not ready for report until three or

four months after the beginning of the long session of Congress. That committee is called perhaps twice during the first month; then, according to my experience, it is hardly ever called again during the remainder of the long session.

Under those circumstances the committee applies for a night session of the House in which to bring forward its business, upon which it has labored and spent time and brains. The members of the committee come up here at that night session with hardly ever a quorum present. A bill is reported, discussion arises, dissension develops itself, a call of the House is made, and the entire session of the evening is utterly and entirely wasted, has been of no earthly use to the Judiciary Committee or to the country. Again and again and again the whole of the business of that important committee has been passed by, and all the labors of its members have been wasted. This is the constantly repeated experience of every leading committee in this House.

Again, under the old rule a matter is reported in the morning hour. It does not command itself to the minority of this House, who, knowing it to be in the morning hour, immediately sit silent and prevent a quorum, or move to adjourn, or to fix a day to which the House shall adjourn. Thus the morning hour is consumed. This is done again and again, just so long as the minority may desire to continue it. You all remember, because it is of recent occurrence, that this was done in the extra session of the present Congress from day to day for a month, against what we believed and what I believe now to have been an iniquitous bill. Through that political campaign I saw many a day when I was sorry that we filibustered, because I would have been delighted to have added that one other political crime to the faggot of crimes committed by the party in control of this House during the extra session. But we determined otherwise, and no business could be transacted during the morning hour for a month or more.

Again, a committee reports in the morning hour. There is but an hour to-day and an hour to-morrow. Each member of the committee has a dozen important bills in his hands on which he has spent from three to four months of work. Each member desires to report. The chairman takes the floor and reports one, two, three, or four bills; and he is compelled to demand the previous question and force those bills through the House, in order to give the others of his committee time for the consideration of their measures. In this way hasty, unwise legislation has again and again within my recollection been passed under the previous question, for the praiseworthy purpose on the part of the chairman of saving a little time for some other member of his committee.

Now, the Committee on Rules has done away with all that. No complaints of that kind can be made again, if you adopt these revised rules. Every committee in this House will be called as often as once in two or three days—certainly as often as once a week. Every committee will be incited to attend to its business, knowing that there will be an opportunity to report all the business that it has in its hands perfected. No haste, no previous question, no half-considered laws enacted, no unfair advantages taken.

I desire one further amendment, which will provide that no bill, either of a public or a private nature, shall be reported to this House unless accompanied with a written report for or against the measure. If this be done, then when a bill has been reported the whole case will be on one of your three dockets; it will be there with all the points in brief; any man can take it and examine it beforehand, and can determine for himself whether or not the bill has merit and ought to pass. It seems to me that this committee deserves commendation for thus breaking away from the old rut and opening up a new road, through which honest, fair, well-considered legislation may pass.

Again, sir, I do not belong to the number of those who hold that private claimants have no rights which the Congress of the United States is bound to respect. I say to you, gentlemen, that a great war could not have taken place without claimants by the thousand and tens of thousands coming to the doors of Congress, and fairly, rightfully, honestly demanding payment of their claims. In war your Government is a despot; it must be a despot. The rights of men cannot stand in the way of the progress of armies. Your Government must be at liberty to make contracts, and to break them; must be at liberty to make specifications, and then to change them at its pleasure; must be at liberty to take the property of the individual for the public good.

The Congress of the United States has never yet had the courage to say to its citizens, "There are the courts that we have created; there are the judges and the United States attorneys whom the President has appointed; if you have a claim against the Government of the United States, the doors of that court are wide open; go there and assert your claims; bring your evidence and appeal to the judgment of that court." Congress has never dared to give to its citizens that right. I believe we stand almost alone among the nations of the earth in refusing to allow a citizen to bring suit in the courts against the Government. Now, therefore, when we shut against the citizen this door which is open to the subject of every other civilized country in the world, can we, ought we to say that we will shut this last door, the only one that is open?

The claimant comes here to Congress. His claim is presented and referred to a committee. That committee, under the present feeling, is an attorney for the United States, looking upon him with suspi-

cious or hostile eye. In presenting his claim he is obliged to overcome these prejudices. He does so. The committee reports his claim unanimously, the bill goes upon the Calendar. The claimant has spent months in making out that case; it may be that it involves everything he has in the world for himself and his family. He has followed the claim in committee, has watched it after it has taken its place on the Calendar, is in the gallery on a Friday when private bills are to be taken up; that bill is reached; it is his only hope, his heart is in his mouth, he says to himself, "My time for justice is coming now," when lo and behold, somebody from the Rocky Mountains, or somewhere else, who never heard of the bill before in his life, who does not know to what it relates or what it involves, rises and shouts: "I object." The claimant sees his bill thus thrust aside, and generally so the end cometh. With a Calendar containing five hundred or a thousand cases, it will probably never be reached again. The whole labor of the committee, the whole labor of the claimant, must thus be lost because forsooth some man wants to build up a reputation on the smallest capital possible for one to be built upon. [Laughter.] But perhaps upon another unfortunate Friday that bill is again reached. Again the claimant is there and believes that his claim is to be heard. But five men object, and away goes his poor bill; and there is an end of it and of his hopes. That is the mode of proceeding on "objection days." I do not think the gentleman from Michigan [Mr. HORR] who sits in front of me has ever seen one of these days; but he will shortly, and he will recognize them afterward whenever he sees them.

I remember perfectly well a claim which was presented and considered by a committee a few years ago. A United States revenue-cutter had deliberately run down a fishing-schooner. If I had run down the vessel, in less than two months I would have been before a court, and in three or four months there would have been a judgment against me which I should have been compelled to pay. If a great steamship belonging to one of the great lines had run into the fishing-schooner the steamship line would have been compelled to pay the damages; but it was a United States revenue-cutter, with the Secretary of the Treasury on board, which ran into this schooner, and there was no court open for the owner in which to seek redress. He was compelled to come to Congress and ask for relief. He did not ask his ship to be paid for, but simply that Congress would open the door to a United States court and let him go in. The committee reported it unanimously because, of course, it was right and just. For convenience the bill was put upon the Calendar, and the very first time it was reached to be heard, a gentleman whom I will not name, he is not here now, from the fastnesses of the Rocky Mountains, who had never seen a schooner in all his life, and did not know whether it was four-masted or one, jumped up and cried out "I object." [Laughter.] I went to him. I said "In Heaven's name, what do you object to this for?" He said "What is it?" [Great laughter and applause.] I left in disgust, for if that was legislation, I wanted no more of it forever.

I hold, Mr. Chairman, that these men have rights, and that it is the duty of this Congress to hear them or else to send them to the courts. That would be the courageous and the decent way. Our committee have wiped out, expunged, destroyed forever, if you say amen to this report, all "objection days." I am aware it will ruin some men's reputation, [laughter,] but not more than one or two in a whole House. It will help all the rest of you, and have a tendency to do justice. I expect the objector to vote against it, whoever he may be, but I trust Othello's occupation is gone.

You will have a Friday's docket and every man's case will be entered upon it, and it will come up to be heard in regular order unless a majority of the committee should prefer to change that order. You will take that docket as you do in court. You will go from case to case and pass, as fast as you can, upon it understandingly. Is not that fair? Is it not reasonable? Or is it better for some old member to have the chance of shouting out "I object," and then having his name entered in your Index under "incidental remarks," "page 248," and when you look to see the gentleman's speech you will find "I object." [Laughter.]

Now, let me call for a moment your attention to the special orders which are piled Pelion upon Ossa until they have become mountain-high. If you turn to any day three months hence you will find upon the general calendar of business more than twenty special orders fixed for the same day. Now we have stopped all that. Under this new order of things there will be no need of special orders. Every case will have its day in court.

Again, a great many of you have not seen resolutions submitted on the Monday second roll-call. I had a delightful experience the first Congress I was here. Maine was called first. Under the present rule, after the general roll-call is through, a second is commenced and it begins with the State of Maine, when resolutions may be offered for present consideration and gentlemen may be compelled to vote upon them. Since I have been in Congress, never but once has this privilege extended outside of Maine. It stuck there nobly. [Laughter.] I remember one session of Congress, at the request of Mr. Charles Sumner, I introduced what was called a civil-rights resolution under that opportunity which was given to me by this rule, and that civil-rights resolution staid here six solid months in that position. Every Monday was filibustered out in order to prevent its passage, under the lead of the gentleman from Wisconsin, Mr. Eldridge. I did not effect anything. We, between us, did effect a loss every Monday of

from one-half to three-quarters of an hour of valuable time, or, at least, of time that ought to have been valuable.

If you notice now on Mondays once in a while, when the States and Territories are not likely to take up the hour, somebody's useless bill is read, or some gentleman picks from the waste-basket a long bill on the transportation of animals, sends it up to the Clerk and causes it to be read. What is that for? That is to prevent the State of Maine from getting in a resolution under the second call. [Laughter.] And, if the old rules prevail, I guarantee to you now that the rush of business is over. On every Monday from this hour down to the close of this session over half an hour will be consumed reading useless bills. If any gentleman can tell me what benefit has resulted from the rule I should like to hear it. I have been here nine years, and I have never seen any.

We have repealed that and gotten it out of the way, and if you accept this body of rules you will be troubled no more forever with the reading of those lonesome, tiresome bills. The reading clerks will sustain this action of our committee.

Again, we send to the Senate an appropriation bill which our rules require shall be first considered in Committee of the Whole, a bill appropriating \$5,000,000, the items specified, and in the Senate they amend it, adding to it a million and a half of dollars, and then send it back to the House in that shape. Now, I ask any member here if he has ever known these amounts which have been added to an appropriation bill in the Senate to be considered in this House in Committee of the Whole? No man ever heard of such a thing; and yet, under your rules, if I have a claim for a thousand dollars and it requires an appropriation, it cannot be considered except in Committee of the Whole. But the Senate may take an appropriation bill and increase it millions, and yet when it comes back here the point of order does not lie against it, and it is never considered in Committee of the Whole at all. Now, this committee, in the interest of honest legislation, in the interest of wise legislation, have reported a rule that these Senate amendments shall be subject to the point of order, which being made and sustained, they must go to the Committee of the Whole, and receive their first consideration there, because it is their first consideration in this House.

Now take "questions of privilege." Some of you have seen what has been done under an abuse of this question of privilege in this body. I have seen the liveliest fights gotten up here upon pretended privilege that I ever saw anywhere in my life, beating even an Irish fair. More, I have seen a gentleman cause to be read here, on a question of privilege, almost the whole Bible from Genesis to Revelations. Again, I have seen a member have newspaper after newspaper sent up to the Clerk to be read, occupying hour after hour with slanders of the gentleman affecting only himself. Again, I have seen gentlemen contending for the right to the floor on a question of privilege when an attack has been made upon them personally, not at all affecting their character as Representatives, and wasting hours in a contest over the point of order.

Now sir, every man who has been here for any considerable length of time knows that one of the greatest outrages and abuses in this House has grown up under this very question of personal privilege. It is an easy way to get the floor, make a speech, and flood his district. I remember some time ago when I was visiting in an official capacity the Legislature in Louisiana, I found that there were a good many persons there, some of them of dark complexion, who desired to get the floor and make a little display for our benefit; and even they had found out what a blessed thing a question of privilege was. They would "rise to a point of order," or "to a question of privilege," and get the floor, and I found it was very much there like it is here; that it made very little difference what they said afterward; they had the floor for all that. [Laughter.]

The question of privilege is the very highest right that can be demanded in this House, of the first importance to the body and to the member, and it ought not to be open to abuse.

Mr. HARRIS, of Virginia. I would like to ask my friend a question if he will permit me.

Mr. FRYE. I yield for that purpose.

Mr. HARRIS, of Virginia. I would like to ask the gentleman what provision is made in this new system of rules for preventing the abuses he speaks of in this connection. I have seen myself, and I fully agree with him as to the ridiculous scenes which have been presented before this House in the name of personal explanation. The whole House has been frequently disgusted with the reading of long newspaper extracts and articles of personal explanation, which were put in writing and sent to the Clerk's desk, but the Chair has held that he could not determine whether it was a question of privilege or not, until it had been read. Now, what remedy do you propose for that? How are you to determine whether what has been claimed as a question of privilege is absolutely so or not until the reading of the paper has been had?

Mr. FRYE. In answer to the gentleman from Virginia, I wish to say that "the wayfaring man though a fool can read and need not err therein." It is written plainly here what a question of privilege is:

The questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; secondly, the rights, character, and conduct of members individually, in their representative capacity only.

Now, it seems to me that this is plain enough for any gentleman in

this House not to misunderstand it, and every gentleman is on his honor not to violate nor discredit it.

Mr. HARRIS, of Virginia. Mr. Chairman, I admit that it is very plain, but men's minds construe things very differently. How shall we execute that provision? I ask my friend the question. Suppose you were the Speaker, presiding, and I rose to a question of personal privilege, my personal explanation is in writing and I send it to the Clerk's desk to be read. That has been done, when somebody makes the point of order that it is not a question of privilege—I have made that point myself. Now, I contend that the Chair must hear the statement before he can decide that it is a question of privilege or not; and how would you reach that question?

Mr. FRYE. Well, if I were the Speaker, and a gentleman was wandering so far from a question of privilege, as I have heard them again and again, I would exercise my right as the Speaker of the House, and stop him.

Mr. HARRIS, of Virginia. But, Mr. Chairman—

Mr. FRYE. I decline to be interrupted any further.

Mr. HARRIS, of Virginia. I know it is my own obtuseness.

Mr. FRYE. I recognize the gentleman from Virginia as one of the brightest gentlemen on the floor; but I must decline to be interrupted further.

I will not call your attention any further to the good things we have done. Upon that head I have stopped to leave ground open for others who are to follow me. But I think those I have directed your attention to must commend themselves to this House.

Now, to come to some criticism as to committees—how have we interfered with the jurisdiction of committees? I have heard it complained here that we have deprived the District of Columbia of the day which under the existing rules it is entitled to, the third Monday in every month. That is true; we have, but we have given it, under our revised rules relating to committees, an opportunity to report and have its business placed on the Calendar once in every two or three days during the whole session. And they will have the same opportunity that any other committee has to go to the Calendar. In my judgment it affords a better opportunity for the discussion of its business than it has now, for I have noticed, and others must have, too, that when the Monday came which was assigned to the business of the District there would be barely a quorum in this House and the business of the District received but little attention.

Take the Committee on Railways and Canals. The gentleman from Virginia [Mr. CABELL] made a complaint in relation to that committee. Our committee have not interfered with the jurisdiction of the Committee on Railways and Canals further than this: We have crystallized into a rule the uniform practice of this House since I have been a member of it. And it seems to me under the experience of the doings of the Committee on Commerce that if you should give another committee like that on railways and canals jurisdiction of the improvements of rivers, and if you should give to the Committee on Mississippi Levees still further jurisdiction of the Mississippi River and all of its tributaries, you would have three committees pouring upon this House their bills for the improvement of rivers and harbors, and if it is true that there is any log-rolling to-day to get one bill through under a suspension of the rules, how much more powerful would be the log-rolling of three committees if they were willing to resort to it to drive through all their bills. But, I repeat, we only crystallize into a rule the uniform practice of this House since I have been a member of it.

Now, there were several committees, as the Committee on Banking and Currency and the Committee on Coinage, Weights, and Measures, which had the right under the old rule to report at any time, a right given to them at the last session of Congress, I think. We have repealed that rule because under the rule now proposed there is no necessity for their having the right to report at any time. They would be called as often as once a week, and I have not heard that they complain of this.

Take the Committee on the Revision of the Laws. The gentleman from Illinois [Mr. TOWNSHEND] entered bitter complaint that we had restricted their jurisdiction. Well, sir, I have been here nine years, and I admit that at an earlier period in those nine years the Committee on the Revision of the Laws had the statutes to revise and great labor to perform. That is the only work I ever knew in the hands of the Committee on the Revision of the Laws until the extra session of this Congress and the work which they performed then and submitted to this House did not command them as a committee to me at least.

The gentleman from Illinois [Mr. TOWNSHEND] says that the Committee on the Judiciary usurps everything. He said that the Committee on the Judiciary had the right alone to the jurisdiction of all things touching proceedings in courts. And yet the gentleman from Illinois in the extra session of Congress reported a bill to this House from the Committee on the Revision of the Laws overturning all the statutes relating to the transmission of cases from the State courts to the United States courts. If he was right as to the jurisdiction of the Judiciary Committee, where did the Committee on the Revision of the Laws get that bill? What right had they to it? Under what rule then existing did they get it? The Judiciary Committee had considered that bill for months with great care, and are considering it now, and will be ready to report it at this session of Congress.

Again, at this session of Congress the gentleman from Virginia [Mr.

HARRIS] reported from that committee a bill regulating the reporting of the decisions of the Supreme Court. Now, if it belonged to the Judiciary Committee, as the gentleman from Illinois says, to take charge of all matters touching proceedings in court, I ask him if that bill did not legitimately belong to that committee? I am glad the gentleman from Virginia urged the passage of that bill. It is a good bill. It is through the House, and this is due to his diligence. But that committee had no more right to it than I have to my neighbor's hat or to my neighbor's coat. Both those bills belonged to the Judiciary Committee; and I, at least, as one member of this committee, came to the deliberate conclusion that it was not wise to allow the wild colt of the prairies to cavort around without a curb.

I do not know what would become of the Judiciary or of the other committees of this House if the Committee on the Revision of the Laws were permitted to go on in that reckless way, taking to itself all jurisdiction, however careful, however judicious they might be, and however prompt to report business to this House. I did myself vote in favor of giving to this committee the revision and codification of the laws, what I believe was originally intended for it; and I may say that there is no man in this House I love better than I do GODLOVE S. ORTH, of Indiana, a member of that committee, into whose kind face I am now looking. So in my vote there was nothing personal.

Mr. HARRIS, of Virginia. I would like to ask my friend from Maine [Mr. FRYE] a question concerning the jurisdiction of these two committees, as he has appealed to me—

Mr. FRYE. I have not appealed to the gentleman, and I do not dare to yield any time, because there is a gentleman who has been promised the floor immediately after I shall get through.

I come now to the Committee on Commerce. I speak here only for myself. I do not speak for the Committee on Rules. I was born in favor of river and harbor improvements. I was educated and trained an old whig, and I have been able to see but little good in the democratic party from that day to this. That, I take it, is owing to my early training, not to the wrongs committed by the party or to its general bad character.

I believe in river and harbor improvements. I have voted for every river and harbor appropriation bill but one reported by the Committee on Commerce during the past nine years. Therefore I cannot be charged with any animosity so far as their reports are concerned.

I know that committee is an able one; I know its chairman is an honest man; but I know, too, that there has grown up in this House within the last ten years a purpose to pass that bill under a suspension of the rules; and I know that the growth of that purpose here in this House has brought scandal upon the Congress of the United States. I do not say that scandal has been deserved; I do not say the Committee on Commerce ever reported any items of appropriation that they ought not to have reported; I state only the naked fact that the Congress of the United States has been scandalized all over this country because of the forcing of such bills through this House under a suspension of the rules. I know that the average man must inevitably ask the question, "Why this haste? If my claim must first be considered in Committee of the Whole, involving as it does only a hundred or a thousand dollars, why in the name of common sense shall \$8,000,000 be driven through without any such consideration?"

I say it is not strange that such a practice has scandalized this Congress. It ought not to have been attempted; it should never be repeated. And why? When I signed that report of the Committee on Rules I had fears that the Committee on Commerce had power enough in this House to defeat the report so far as it might affect them. I believe, however, that it will not have power enough ever again in this House, after this discussion and after the discussion in the public prints, after the attention of the people has been called to the matter. I do not believe that committee will ever again have power enough to command two-thirds of the votes of this House for the passage of such a bill before it shall have first received consideration in the Committee of the Whole. I doubt if any member of that committee will have the courage to rise in his place and ask that the rules be suspended and the bills passed. If this result shall be accomplished I will have done all that I hoped to do.

Now as to the Committee on Appropriations. That committee has seemed to be the object of attack even more than the Committee on Rules. And while I have great confidence in the Committee on Appropriations, yet I do sympathize with the assaults which have been made upon it. It seems to me that it is the usurping committee of Congress. And while there is a rule here reported which does not change their powers, it was not the unanimous report of our committee and did not receive the endorsement of all its members. It is reported under the resolution to which I have alluded, that where we could not agree unanimously upon an amendment the old rule should be reported.

I do not believe that the Committee on Appropriations should have the powers of legislation as granted in this rule. I agree with the gentleman from Connecticut [Mr. HAWLEY] and the gentleman from New Jersey [Mr. ROBESON] in that. When I see the Committee on Appropriations taking our whole consular and diplomatic system, and in ten days' time, without, certainly, any adequate or requisite knowledge of what they are doing, smash through it as a mad bull,

would smash through a china shop, it has always occurred to me that that committee had better attend to their legitimate business and let the business of the Committee on Foreign Affairs alone. I do believe, and my experience both in a republican House and in a democratic House has forced me to that belief, that there should be a restriction upon that committee; that the right of legislation, whether in reduction of expenditures or not, should be taken away from them. Let the Committee on Military Affairs report to the House all laws affecting the Army; Naval Affairs, those relating to the Navy; Foreign Affairs, those touching our diplomatic service, and so on, each committee adhering to its jurisdiction. Then let Congress enact into laws such of the reported bills as are deemed just and necessary. Then let the Committee on Appropriations appropriate the money required by these laws.

What does the "reduction of expenditures" amount to? Some of us have seen members put in the chair here, and from their rulings learned that the words were without meaning. There is hardly anything offered by the Committee on Appropriations that has not been ruled as germane and as reducing expenditures. And in the old days, when we had charge, I say to the gentleman from New York [Mr. COX] whom I see near me, we were not much better in this than the democrats are now.

Mr. COX. Not so good.

Mr. FRYE. Oh, a little better, [laughter,] because I remember that a majority of the democrats in this House united with the minority of the republicans to pass that famous and notorious salary bill, the back-pay grab.

Mr. COX. Do not look at me; I did not vote for it, and I did not take the money.

Mr. FRYE. I think the gentleman said on this floor that he wanted to, and the man who looks upon a woman to lust after her—[laughter.]

Mr. COX. I did not say so. I made the only speech against it. You had better be more just, for Maine is in trouble. [Laughter.]

Mr. FRYE. Mr. Chairman, Maine was in trouble a little while ago. A host of fusionists, democrats, and greenbackers, like those barbarous tribes of the North who used to sweep down upon the plains to devastate and destroy, came down upon the good old State of Maine and attempted to destroy her. But, thank God, they have gone back to their fastnesses again, and thanks to their conduct they never will return. [Renewed laughter.]

Mr. COX. I never said anything against your brother-in-law, and I never will. [Great laughter.]

Mr. FRYE. I had supposed, Mr. Chairman, that when this democratic brother-in-law married a good respectable woman it would result in a change of heart, and make him respectable. I am sorry to say that I have something to say against him myself. He did not experience any change of heart; he is a loco-foco still. [Continued laughter.]

Mr. COX. I know that the republican party used to take care of their brothers-in-law in the early days. I did not know but they would keep up the custom now. I want the gentleman to keep to the rules.

Mr. FRYE. I will remind the gentleman of the old rule that no gentleman shall speak except from his seat. [Laughter.]

Mr. COX. This committee has proposed to repeal that. I am showing the gentleman how the new rule will operate in practice. [Renewed laughter.]

Mr. FRYE. Now, Mr. Chairman, so far as I am concerned, not speaking for the committee, I am in favor of the amendment proposed by the gentleman from Connecticut [Mr. HAWLEY] and by the gentleman from New Jersey, [Mr. ROBESON,] and I reserved the right to offer such an amendment.

Mr. Chairman, I did not intend to trespass for this length of time upon the committee, but it did seem to me that some feeble voice should be raised in slight commendation of our six weeks of hard work. If the old members, familiar with the rules, cannot see anything to admire, I thought that some of the younger ones might look over our work with favor as an aid to them; and perhaps the older ones might see "lifts to the lazy."

I believe that as a whole these new rules are a great improvement. As a matter of course, they are not perfect; they are open to criticism; they are open to amendment; and the committee itself will delight in real amendments which may be offered in this House and adopted. I believe that the debate which shall spring up here in the Committee of the Whole under the five-minute rule will be of great value to this House, and I wish to say now to gentlemen on this side that if there ever was a time when it was their duty to be here on the floor, taking part in the business of this House, it will be when these rules are under consideration in Committee of the Whole. I sincerely hope that every republican member of the House will be found here to vote upon these rules and any amendments that may be offered. [Applause.]

[Here the hammer fell.]

Mr. BLACKBURN. Mr. Chairman, in view of the order of the House and the hour usual for adjournment, there is but one hour left for general debate on this report. I beg the Committee of the Whole to remember that the Committee on Rules has not been heard, except through the gentleman last occupying the floor, nor will it take the hour remaining, for the reason that the gentleman from New York

[Mr. COX] believed, not without just cause, that he was entitled to one hour during the debate to-day. The Committee on Rules yields the only remaining hour to the gentleman from New York, and will trust to its opportunities under the five-minute rule to explain any points at issue as the discussion may go on. I yield to the gentleman from New York.

Mr. COX. Mr. Chairman, I favor this report. If I hereafter see reasons to amend it, it shall not be loaded down. If it is loaded, I will vote to save its provisions.

Whatever may be said about changing the substance of our rules as to a better division of our labor and the responsibility of our members and committees, this much may be said: that it is high time their incongruities and disarrangements in our book of parliamentary practice were reconciled, and the obsolete rules expunged. The present Digest lacks brevity, harmony, and perspicuity.

Its methods and principles may be all right, but, like the tools of a mechanic, they should not only be up with the last invention, but handy to get at and keen for use. The report of the Committee on Rules means advancement in this latter direction. Whether the committee has substantially altered so as to better the rules for forwarding our business in the proper path I will not now discuss. Doubtless the leading thought about rules for governing a legislative body like ours should be to carry out the will of its legal majority, while not restraining any proper effort of the minority to hinder and enlighten that will.

But, sir, let us not forget that an unrestrained will in this House may be equivalent to no expression of responsible will. It nullifies itself by excess. It is hardly, therefore, to be conceded, as the committee state it, that the powers of a minority to "check temporarily, if not permanently, the action of a majority should not be invaded or restricted." To allow this would consume the very power it is intended to conserve.

#### OBJECT OF RULES.

While we should not unnecessarily impede the execution of the will of the House, let us surround our proceedings with every possible restraint which will insure deliberation. To deliberate means to weigh. It does not mean to jump or to overslaugh by mere votes; nor by clamor to drown, or by force to coerce.

To subserve this main end of legislative procedure, namely, deliberation, let us avoid giving too much fluency to everything which comes here. Why should we render facile our seven thousand propositions in the form of bills here, every Congress, from that which would insert God in the Constitution to that which would regulate our being shaved on Sunday? Whence this desire for facile legislation? Is it owing to the civil war, or to our more recent tendencies to give the glamour of regality to this Federal center, that we forget the original rules and simple modes of our patriotic faith, not merely as a party now in supremacy, but as unpartisan interpreters of the Constitution?

Our rules have been in existence for eighty-nine years—from 1790 with various modifications until now. That is true; but does it follow that we should change the rules made by men who made the organic law and who enacted laws under it? The earlier legislators understood the genius of our federal polity. Except for great and never for transient causes their edifice should not be defaced or destroyed. The men who made these rules from time to time were jealous of Federal power. They believed in home government. They did not intend that this city should be the gorgeous head of an empire while the States, in manacles, were to be dragged along in some victor's train behind an imperial chariot. The rules, if questioned, interpret this jealous and prudent philosophy, and I am glad the Committee on Rules has not substantially changed their essence and principle. When we undertake to make easy federal methods of legislation do we not open the sluices through which no end of perilous legislation may rush to inundate and upturn?

The committee have said in their report that in the Sixth Congress, which convened December 2, 1779, there were two hundred and ninety-eight bills introduced and reported, while in the Forty-fifth Congress, which convened October 15, 1877, there were sixty-five hundred and seventy-nine bills introduced. The number of petitions to which they refer are not consequential, for the press and telegram have made petitions almost dead, if not ridiculous.

These facts which the committee narrate not only command us to make a revision of our rules for the dispatch of business, but call a serious halt on the dangerous compounding and absorption of all powers in the Federal Government. Hence, for a larger thought than that of economy, there should not be given too much facility for legislation, either by the constitution of new and easy ways for money bills, or to prevent liberal discussion and amendment. Standing upon the ancient ways, and ready to make the best breviary for our legislative conduct, I hail this careful effort of the committee to perfect our rules, upon which much of the pleasure and utility of legislative work depends.

#### ECONOMY AND ITS OPPOSITE.

It is to be regretted, Mr. Speaker, that on the threshold of this debate efforts are made to make easy a class of appropriations that appeal to the elements of mercenary and local aggrandizement. The first question which meets us in the discussion of the seventh clause of Rule XI, (page 32:) "To commerce: to the Committee on Commerce, [but they shall report the bill known as the river and harbor bill for reference to the Committee on Appropriations.]" The debate on

this rule seems to turn upon questions of economy and prodigality; general legislation and local greediness. In fact, the gentleman from Texas [Mr. REAGAN] almost confesses this to be the issue when he says, "I doubt not it will be developed that this new rule will be sustained by every member who doubts the propriety and the policy of this class of appropriations." And the honorable gentleman then proceeds, after a handsome statement of his views, to call for "one bill"—only one—"to come before this House to put a quietus to that sort of demagogic and misrepresentation" with which he charged members and editors by wholesale. This is the courteous way in which the gentleman from Texas opens this debate.

Mr. REAGAN. It is such unwarranted statements as these, and not the bills themselves, that have caused the scandal referred to by the gentleman from Maine.

Mr. COX. The scandal referred to by the gentleman from Maine is based upon the opinion drawn by the newspapers and members from these statutes. Just look at them. The like was never known in the old democratic days, when the gentleman from Texas and I served here before the war. Why, sir, from an appropriation of \$2,000,000 ten years ago you have jumped up to \$8,000,000. How much was it in the old days when we served together and held to the old democratic tenets? Nothing at all scarcely. We of course made appropriations for general objects. The statement of my colleague [Mr. LAPHAM] that we opposed all appropriations for rivers and harbors is not correct. We are ready now and at all times to vote appropriations for general objects. But when appropriations are made for every little stream that can possibly be found in our encyclopedias or our geographies, my friend from Texas comes in and justifies it as democratic policy.

The gentleman talks about being made the clerk or amanuensis of another committee! Now, mark you what he would make of us! If he cannot play, as Hamlet's friend, on a little lute, yet he would play on you and me and all of us! He would make us here his mechanized automata, as he has under his suspension of rules, for \$8,000,000!

I am not, for one, tolerant of this kind of attack. The gentleman has missed his channel and overflowed his banks. He needs public improvement. He simply passed his immense bills because he could, not because he ought, and we are again reminded that it can be done again. Like the sailors in Shakespeare's *Isle of Prospero*, he is so full of valor that he smites the very air for breathing in his face and beats the ground for kissing of his feet!

Is it not bad enough when our tariffs are made and unmade at the behest of classes and sections, irrespective of the masses and the equities? The history of our tariff shows that all the votes given on our tariffs since that of 1790, with rare exceptions, have been dependent upon local material and individual interests. When there was a low and liberal tariff to be made, the West and the South gave it their sanction. When an illiberal and high tariff was to be made, the capital invested in manufactures gave its suspicious tenor to the tariff. Still more notably the tariffs during the war and after it illustrate my thought.

But is it not time that, irrespective of sections, combinations for immense exactions for public works, not comparable to tariffs, for insidious robbery, which are made by bills—what are called log-rolling bills—should cease? Are they not framed regardless of all constitutional clauses or interpretations by court or veto? Are they not as regardless of all fairness in the division of the loot as of the traditional policy of internal improvements which limited the appropriation to general objects, such as coasts and inland seas?

Will it be believed that the appropriation for one of these years was such that even the omnivorous maw of the Grant administration refused to expend it? As the Speaker has shown us, the amounts of these appropriations have grown enormously in late Congresses, under the exclusive direction of the Committee on Commerce. But this is not my complaint so much; it is that they have grown because, under the system of allowing the Committee on Commerce to make such bills, they have not only diminished and dimmed their own sphere of legislation as the initial and conservative forces of our trading people, and thus have made our legislation a by-word and a shame, but they have, as I once before demonstrated, set at naught every principle of free challenge by debate and amendment, which is the very life and soul of every parliamentary body in Europe and America.

#### DIPLOMATIC REFORMS.

It was said by the gallant gentleman from Mississippi [Mr. HOOKER] that if the Committee on Appropriations should take cognizance of the river and harbor bill and report it, why should not other committees take charge of business connate with their special function? Or to illustrate his thought: Here is the Committee on Foreign Affairs, upon which I serve as chairman. Do I want the diplomatic and consular bill referred to my committee? If I desired to aggrandize its importance or my own, perhaps we would desire to make the appropriation bill.

But is not the language of the very rule reported by this Committee on Rules so framed that the reporting of the river and harbor appropriation bill might be given to the Committee on Commerce, while its final revision comes before that committee which must take the broadest, most comprehensive, and indispensable scope of the whole horizon of finance?

Many years since I urged that our diplomatic missions might well

be curtailed, in so far as ministers and envoys are concerned. The money employed in that direction might well be applied to consuls and commercial agents, in the interest of trade and commerce. On the proper occasion I may repeat and enforce some of these earlier thoughts. Indeed, the House has already instructed our committee to report wherein they can cut off the dead limbs of the diplomatic tree. There is no reason why we should not lop off all of its deadness, even to the eradicating of its sapless and expensive root. It is said by Schiller "that for thirty years Germany stood with her hand on her sword, and every rustle of a leaf disturbed her." This has been the condition of Europe the last summer, yet there was scarcely any of our diplomats at their posts during this terrible period. St. James was vacant and St. Petersburg empty, and those who filled other missions were like the false god Baal at whom Elijah mocked: "Cry aloud: for he is a god; either he is talking, or he is pursuing, or he is in a journey, or peradventure he sleepeth, and must be awaked!" During this period many of our citizens were traveling abroad; but had they any special terror on account of this European imbroglio? Would they have felt or been more safe if our diplomatic functionaries had been at the capitals of Europe, dining with or dancing attendance upon titled personages? Who loses a wink of sleep in this country because one minister fails to attend the Queen's levee in a spiked-tailed coat and a favor in its lapel, or another minister fails to shiver in the antechamber of the ice palace of the Czar? People rarely miss vacancies, and who misses those ministers? What a precious saving it has been, this vacancy which they created. How cheerfully we would part with all of them, provided we retained in the Treasury their salaries.

But if the Committee on Foreign Affairs would rid the country of these superfluous appendages, have they not the chance without having exclusive control of the diplomatic appropriation bill? Have we not the right to report a general bill repealing existing laws creating these offices? Cannot we prepare amendments to the appropriation bill for such a purpose and take the sense of the House upon them? When the majority of the House favor such motions cannot it be done? If we have left the right to amend appropriation bills, when they come up in Committee of the Whole, or if preliminarily we may report appropriation bills on special subjects for the final revision of the Appropriation Committee, what then? Nothing, except greater guards over the strong-box in the Treasury. Let us, therefore, leave to the Committee on Appropriations its general supervision which is indispensable to our fiscal system.

#### DIVISION OF FISCAL COMMITTEES.

I am the author of a resolution adopted in the last session of the Thirty-eighth Congress, on the 2d of March, 1865, which divided the old Committee of Ways and Means into three committees—one for appropriations which paid out the money, one for ways and means which brought it in, and one on the Banking and Currency, which had control of the kind of money. I was moved to do this, and sustained by the House, because of the inordinate income, through bonds and taxes, as well as our vast outgo, involving thousands of millions, all in charge of one committee. The immense amount and variety of the business of the Ways and Means then seemed to call for a division of labor and responsibility. But I see no reason further to divide this fiscal business, and much against it. The division my rule made was philosophic and salutary. It gave unity to the business of three committees without much disturbance.

Is it said now that the Ways and Means are shorn of their proper functions? Have they not plenty to do? Judging by a glance inside of their splendid chamber, with its clerks and clocks, mirrors and messengers, and by the intellectual make-up of the committee and the genteel style of its distinguished chairman—it is not fair to infer, as we do sometimes, that its only function is to move to adjourn. Are not all the revenues, involving all the network of interests of this country, hanging upon the door-knob of that superb committee? It has even had referred to it the matter of conventional treaties in connection with customs. Where is the limitation of its periphery? Go to the uttermost parts of the earth, and lo, it is there. In spite of all protests of my elegant colleague [Mr. WOOD] was he not hailed at the capital of the grand nation, not only as the head of the democratic party, but as the creator, avatar, guide, and genius of every measure looking to the glory and magnificence of American institutions? Is not that committee now in the throes of a great system of refunding? Shall it be three and a half or four? And are we not waiting daily for the birth of the child, forgetful of all the tariff burdens of our land?

But, sir, with this immensity of business and importance its function has its beautiful and rounded unity. It is expressed in the word "income," just as "appropriations" has it in the word "outgo"; as "banking and currency" have it in "what-go," and as the people's committee, the Committee of the Whole, has it in "how you all come and go!" [Applause.]

#### EXPERIENCE OF OTHER LEGISLATURES.

In other countries which have deliberative assemblies there are various modes of representing the various administrative departments of government. Sometimes the labor of these departments are final, but as liberty obtains we notice that the revision and sanction of a legislative body become indispensable to incomes and outgoes. The system of permanent committees on the "budget" (bag or purse)

prevails only in a few countries; ours is one. In other countries the chambers of legislative bodies have but little to do besides registering and appropriating the estimates of the government. Belgium is a good example for several purposes. There the chambers are divided into six sections. They correspond with the six ministerial departments—justice, foreign affairs, interior affairs, finance, war, and public works. Each division takes what belongs to it just as we do now in the House.

But in nearly all these countries where legislatures exist commissions on the budget having this one business are created, who pass upon the expenditures, and in nearly all the final vote is reserved to the legislature on financial propositions. Let us beware of giving up to any committee the power of final adjudgment on revenues and taxes, on tariffs and bonds.

It is argued, with plausibility, that legislative action has not, in the countries where such establishments are gifted with power over tax and pay, shortened public expenditures or held down administrative abuses. Well, the world generally, sir, is increasing the cost of its governments. This is owing to wars and other deviltries. There is no luxury equal to that of a government if its excessive cost is the touchstone. Now, is it true that the best government, or I should say patriotically, our democratic-republican government, is the most expensive? We are by no means the worst. True, we have much to do in cutting off exorbitant expenses. It takes all we can do to keep watch over the generals, and lieutenant-generals, and major-generals, and brigadier-generals, and their staffs, and foragers and what not; together with our admirals, rear and otherwise, and the army and navy of useless placemen, on sea and land. We have a wasteful and ridiculous excess of these decorative folk. Considering our remoteness from European nations and troubles, we should be happy that the processes of science have not brought us nearer. But is this a reason against free and legislative rule? Is it true that expenditures go up when legislation handles them? Yet, it seems so in Belgium. In 1835, with a population of 3,876,000, it spent only seventeen and one-half millions of our dollars. In 1875, with a population of 5,336,000, the cost of governing ran up more than \$5,000,000; or, to be exact, two hundred and fifty-six millions of francs. Forty years more than doubled its cost, and that, too, *per capita*. What a lesson is here, if all the facts are considered? First, Belgium has a money measure of suffrage; in consequence the minority of the people furnish the parliamentary majority; second, one-third of the 100,000 privileged voters are interested in large outlays for public works, and in employment upon them; for the government not only constructs public works, but runs mails, telegraphs, and half of the railroads. No wonder they have a special committee on "public works!" But in Denmark, where the largest suffrage prevails, the government is frugal but sufficiently generous. The peasants and workingmen join in the lower house in all liberal supplies; but neither in Belgium or Denmark, or other nations, do they have committees which gag through bills by two-thirds, without chance to change the supply or to veto separate items.

In this country, Congress, if left free, will not increase but diminish expense. It is a crude idea that when you trust the House to debate and amend, that then the increase ensues. The tendency to cut down both the estimates of the Departments and of committees, if freedom is left to the legislature, comes from the universal desire for economy expressed in the platforms of parties, professed by all politicians in deference to public virtue. An argument against freedom in this House on fiscal matters, is an argument for the Russian system, where a life council named by the Crown has charge of the budget, subject to the imperial sanction. It is an argument for despotic rule.

#### RIVERS AND HARBORS.

When it is said that the excision of expenditures has been more when the liberty of debate has been suppressed, I doubt and deny it. A higher rule should regulate that, and that is, that whatever should be levied in the shape of taxation, or spent for even the most luxurious government, should have the will of the people under the widest conditions of investigation and correction. This is the essence and tradition of public liberty, and is in accordance with the rule reported as to the final supervision of the Appropriation Committee of the river and harbor bill. To fix the proper responsibility for spending the people's money, I would go further and discard utterly the rule by which appropriations of any kind should go through, without debate. I would favor no process of juggling bills through by giving special pap to certain places.

No legislation, under rules liable to be suspended without debate or amendment, where money is divided around, is either republican, democratic, fair or just, even if it were economic in some instances.

But, sir, I gave my reasons for this when the river and harbor bill was crowded through the House by stifling amendment and debate, under a suspension of the rules on a two-thirds vote. I disfavor any attempt to give this important matter of public improvement to the Committee on Commerce, first, because the very constitution of that committee, selected generally from commercial or quasi-commercial localities, as well as our best experience, has demonstrated the extravagance of such a committee beyond a parallel.

What is best to be done under our present conditions? Who cares whether "Appropriations," or "Roads and Canals," or "Commerce" have heretofore had this business? Suppose the file shows no precedent, let us make a precedent!

#### LEGISLATIVE LIBERTY AND LIBERTINISM.

The issue is well made by the honorable Speaker and those who sustain him against the prodigals. The contest is between legislative liberty and pecuniary libertinism!

When I had the honor to report Rule 120 in the Forty-fourth Congress, drawn by Judge Holman and sent to the Committee on Rules, the work of retrenchment began. It is this rule that calls for the eloquent objugation of the gentleman from Minnesota, [Mr. DUNNELL,] and others who have just spoken. He honors us. There was no such aid ever here for economy as Rule 120. The honorable Speaker was then chairman of the Committee on Appropriations, while for much of the time I was chairman of the Committee of the Whole to interpret the rule. We assisted in a work for which the people should be thankful, but which we have already forgotten, because we have taken lazy steps, though in the same direction. When, therefore, it was proposed to bring in a river and harbor bill and pass it, with its millions, over our heads without debate, without a word of debate or an amendment, as a Representative of a taxed people I protested in writing, and my protest was backed by some forty members. We only obtained debate by what was deemed almost an insult to the House, and that, too, after the protest, and after the bill had passed. I called it a raid on the Treasury, a pillage, and what not—very questionable language. The words were taken down, and so was I.

I should have studied the language of the bandit of Thibet: He does not say in gruff, unpleasant voice, and with horrid menace, "Stand and deliver! Your money, your horse, or your cloak!" Oh, no; but he says in the blandest way, "My dear elder brother, it is a hot day; your cloak, if you please," or "I am tired of locomotion on foot. I see, my beloved, that thou hast a noble steed; wilt thou dismount?" By similar sweet paraphrases I might have designated the bills which have been produced from the Committee on Commerce. Were they not the pleasing combination of all mercenary suavity and local endearments; dainty bits of succulent reciprocity, for the mutual good of the beloved constituencies with large water-frontage; by no means for local greed and political corruption, but bills to aid poverty in its distress, to make happy the leaders of parties in congressional districts; in fine, as my friend from West Virginia [Mr. KENNA] would phrase it in his optimistic advocacy of fifty millions a year for this purpose: "to give transportation to our commodities, employment to our people, and prosperity to the country." But, sir, who pays for it? That is not answered. Do not the people know?

#### OF SALT, ETC.—TARIFFS, ETC.

Every man in this land pays an insidious tax of 35 per cent. on his own person. From the crown of his head or hat to the sole of his boots he is taxed by an infamous system, which puts much into the pockets of the few, or a little out of the pockets of the rich for the Treasury.

Salt is an example. It is next to bread! Can that which is unsavory be eaten without salt? How our people North and South fought for the salt wells! And yet how easy we give them up to the pillage of protection, notwithstanding the needs and demands of the people for their enlargement!

An Arabian tale has it that some one looked down into the secrets of the earth and saw all its treasures. He had his choice; he selected the crystals of salt.

Salt ought to be as cheap as bread. It is a universal necessity. It should be cheap to all. It is said that Elisha healed the waters and stopped the dearth in the land by scattering salt upon them. We have no fear of dearth, and our pestilence has departed, but there is a burden but little worse in the infamous tariff upon some fifteen hundred articles, one of which is salt. Ah! but it is said that we can make it for nothing. Then why make so much clamor for its protection?

As a member from Pennsylvania declared to me, he voted against the bill because "it was an entering-wedge." Wedge into what? Into the system which despoils the many for the few, which puts an indirect tax of hundreds of millions upon the people and but a tithe of it into the Treasury. That system, as to salt especially, was sustained by the votes of the gentlemen from Michigan, Texas, and West Virginia, who appeal for these improvements from the common Treasury, and refuse to lighten the tax on the poor man.

The interest of salt fish, I see by a report, belongs to the Committee on Commerce. After many years of struggle we upset the bounty on New England fish, but kept salt free for fish. Why cannot it be made free for the poor man's pork and potatoes?

Salt! Why, do we not know that it only brought \$786,042.20 to the Treasury in 1877; \$754,382.74 in 1878; and \$798,647.80 in 1879? By our system of tariff we put twelve cents per hundred pounds tax on all of it in sacks and barrels and 20 per cent. *ad valorem* on it in cakes. Yet the gentleman from Texas favors a continuance of this tax. Why? Does he not know that ten times these sums reach Onondaga, Kanawha, and Michigan? Does he favor free salt for fish and not for potatoes and pork? [Laughter.] He does. Read this volume on "Imported Commodities" from the Treasury and you will see the "salt withdrawn (free) for curing fish" the past year. It is all New England, from Barnstable to Wiscasset. Where is the free withdrawal of salt for pork from Cincinnati and Saint Louis?

All and each of these champions of river and harbor extravagance voted against cheap salt. Texas joins with West Virginia. That was a surprise. It was no surprise when Michigan completed this protective saline triumvirate.

Mr. REAGAN. I wish to say one word. I have been trying to get

these \$200,000,000 on the free list reduced, and the taxes distributed over a larger field. But when we put something on salt we shall have to put much less on cotton and woolen goods, and iron and steel, and hats and shoes.

Mr. COX. It is the old story. You do not commence at the right end. Why, sir, salt is like bread; the people demand it. You come up here with this tax on it and say, "You shall have free salt for fish." New England gets it. Here is the list in the last report. But when it comes to free salt for potatoes and for pork, you refuse it. [Laughter.]

If this goes on—if these moneys are to be forever paid to assist to make artificial water courses, against providential arrangements—where will you get your natural scenery? [Laughter.]

Mr. REAGAN. Before the gentleman gets away from his criticism on appropriations, I want to say that if he will look to the State and the city he represents, he will find that New York obtained in the last appropriation bill nearly twice as much as the State of Michigan. Is it this he is objecting to before his constituents?

Mr. COX. Now mark how I will put down the statesman from Texas. [Laughter.] I have always voted against these bills. I voted against Hell Gate and the other gates of that nature. I never voted to push Hell Gate through on an appropriation bill without the right of amendment or debate. The people of New York City would never approve my course if I supported such a vicious legislation. Now is not the gentleman a little sorry he interrupted me? [Laughter.]

To return to salt:

Give some gentlemen a tariff and an appropriation and, as was said of a Spaniard and a bull-fight, "you may burn his father at the stake in a cassock painted in the flames of hell." Texas joins with West Virginia; but Michigan will have the lead, both in laying custom duties and demanding harbor improvements. Still, it is impossible to tell which of the three eloquent stipendiaries has made most of this situation for local renown—

I shall as soon pronounce what Grace more neatly

Trips it before Apollo than the rest.

But before I go further into my time, allow me to pay my attention to the gentleman who has been so anxious to make personal remarks about myself and my legislative conduct.

The gentleman from Michigan [Mr. HORR] has been pleased to make special reference to the Committee on Foreign Affairs and to myself. His manner was too kind and gentle to be offensive; but he must be reminded that his argument for the aggrandizement of his Committee on Manufactures ought not to be based on the derogatory statement that our committee and myself have only been engaged in manufacturing witticisms. The House must have seen that we were diligent in our business even at the extra session, and passed all our measures. There are no witticisms from a committee of that dignity. The corn speech to which he refers was made when I was but an humble member, not chairman of the committee. No one but myself represented that element. Its juiciness was the product of my western raising and my eastern distillation. Why should I be accused of mere play here? Have I not shown some fruits as the result of studious work? Did I not carry through here the Thurman bill as to railroads, the life-saving bill, the census, and many others, which might be named? Is it not time to stop this constant depreciation of one who really cares little for being here, except to do something worthy? Where is the fun in such misrepresentation? Will my friend from Michigan bear with me if I give him a lesson in the matter of congressional debate? Humor is a large part of it. It should be ratiocinative, however. It should have a practical object. When I happened one day to kill a moth contract by some good-natured remarks on that insect and the political analogies it suggested, it was because I was informed by a canny Scotchman (now Senator from Kentucky) that there were facts to be developed. In one minute after he gave me the pamphlet I gave it the needed good temper, and a half million was saved. The point is to make your fun dialectic and rational. Did my friend in his speech so brimming with humor, and which tended to make ridiculous the claim of inconsequential committees to greater consideration, observe this rule? I have been told his committee took his speech in earnest, met, and proceeded to declare he had vindicated them. [Laughter.] They asserted that they had been neglected, and would claim their rights to all questions as to manufactures. This, of course, would kill my elegant colleague of the Ways and Means. [Laughter.] He could not survive it. What, sir, to have manufactures take away his tariffs?

Was there any other object in the gentleman's speech? Did he tell us how he regarded the committee's report, or was he only entertaining the House? He was also pleased to refer in a pleasant way to some volumes of travel I had written. Thankful for such a notice, I fear he has omitted the one most apposite. There is a volume in my desk I will send to him. It is entitled "Why We Laugh."

The CHAIRMAN. The gentleman will suspend, to receive a message from the Senate. Members will take their seats.

Mr. COX. To resume, as Mr. Sherman would say. [Laughter.] When members take their seats will the gentleman take my book? [A page took the book to the member from Michigan, who received it graciously.]

Mr. COX. The volume I send is named "Why We Laugh." I send it to the gentleman with my regards, and with a view to ask him to

regard its philosophy, "why"—not "how," nor "at what"—we laugh. It will show him that nearly all great natures manufactured witticisms now and then, from Sir Thomas More to Corwin, from Julius Caesar to the gentleman. [Laughter.] But their wit had a rational purpose. They were logical in their laughs. They used what Aristotle knew to be the *reductio ad absurdum*, and what Whately commends as the best means of exposing fallacy and fraud. I wish I could read an extract or so before I send my friend the volume.

Now, in the view of these lessons for mirth, was it logical for my friend the other day to call the attention of the House to my body? Suppose I am little, was it logical, or parliamentary, or kind to say it? It was done without malice, but it permeated every one of my two million pores. [Laughter.] Suppose I had the gentleman's immensity of pores, where could not the laughter extend? Then there would have been need of some improvements, "because of a loss of moisture." [Laughter.] Why, sir, every sweat-gland in my small body gave out its mortifying moisture because they were so few compared with the pores and glands of larger bodies. [Laughter.]

Now, sir, I submit, was my size a subject for any gentleman's logical laughter? I never claimed, because of its smallness, exemption from the demands of courage or in the arena of debate. Laughter is health. It oils the joints [laughter] and the countenance, causing it to shine. An animal that tries to laugh, like a hyena, is specially despised; but a babe, when it first beholds the sunshine, laughs! The gentleman was once a babe, [laughter,] an innocent babe—a cherub. [Laughter.] He may have children—all little rotundities, all dimpled beauties, which with "flitterin' noise and glee" rush to meet their dad—and all like their dam—dam, bad father! I cannot see to read it plainly, but it looks like—their dam—bad father. [Roars of laughter.] Does he not love them? Doubtless, as all genial natures like his love children. But where is the point of making my small person—though I carry the weight of the average man, one hundred and forty pounds—the butt of his ridicule? Why should smallness, in such an immensity of creation, and when everything may be reduced to atomies, be accounted contemptible? I once buried a burly body here for insinuating that I was small. I cast his soul, which was very small, through a nether keyhole, for he was little in everything except in size.

When one comes to consider all universal physical relations—the size, say, of this dome and the goddess on it, much bigger, even, than the gentleman, [laughter,] then of the mountains of our earth, then of the sun, of Jupiter, or the star Sirius, and then the constellations and systems far beyond, pinnacled dim in the intense inane, of creation, how contemptible a member of Congress seems! [Great laughter.] Therefore, where or what is the humor of making a member of Congress out to be little, and laughing at his size? What is there to boast of in this enormity of flesh and size? At the best, Goliah did not reach more than twice as high and was only one-sixth more than the size of some gentlemen here. Lambert, with all his opulence of oil, was only a poor, weak man, unable to grasp what Isaac Newton knew—whose mother put him in a quart cup when he was born. [Laughter.] Sir Isaac Newton! Does the gentleman think he could get into such a cup? [Laughter.] Why then, why should the spirit of mortal be proud? Proud flesh is not a sign of health. [Laughter.]

My friend evidently meant to be familiar with me in two respects: First, to humble me for my size; and second, to be witty over what I cannot help, my stature.

I never knew till the other day when I failed to recognize him, how imperfect was my body. I took him by mistake for a gentleman from North Carolina. It was my poor eyesight? Yes, on my failure to recognize him, he called me, first, genial, and, second, little—all of which implies a rather undue familiarity on a short unrecognizing acquaintance! [Laughter.]

I endeavor to debate here impersonally; never refuse to yield; never invade another's right; always consider my person almost as an abstraction. I am not proud of my appearance as some men are who swell. [Laughter.] Why, sir, I argued against making Congress too big ten years ago. Two hundred and fifty was enough. Had I known the advent of this Leviathan into our troubled waters, I should have favored two hundred as our number. [Laughter.] But that is to be settled next year. Corpulence is not strength. Let us remember that!

When the gentleman was thus belittling me, what was he about? Two yards [laughter] or so. Does that, under our Constitution, prevent me being his equal? There is no disability under the law on account of one's size, only his age or his rebellious antecedents. If I were a mountain of mummy, or a Liliputian, I should be eligible here. [Laughter.] I represent large folks, fighting folks, [laughter,] good folks; they did not measure my girth or take my altitude when they sent me here. They did not think me unconstitutional. [Laughter.] They did not think blubber indicated brains; nor meat manhood; or that tumors necessarily tend to intellectuality. They did not regard me as unworthy of their trust, because I had not layers of lard over immense abdominal muscles. [Prolonged laughter.] They are intelligent; they know that tissues of fat do not control issues of fact or of politics. A man may be five hundred and seventy pounds, or several gentlemen rolled into one, yet he might still be as a tallow candle to the sun. [Laughter.]

What, sir, are none but Falstaffs to be of the elect? If so, the House would be overrun with the qualities he is celebrated for, including stealing, carcass, and fun. Are we to have only inordinate, lumpish incarnations of swelling vanity—behemoths in our congressional waters? Nothing but butter and no bread? Sir, Shakespeare was a master of wit; and he told us of Falstaff. He knew that flesh and frailty go together. [Laughter.] He said the devil would never have the fat knight damned, lest the oil that's in him should set hell on fire. [Laughter.] How well he advised him! "Make less your body and more your grace, for the grave doth gape for you thrice wider than for other men." [Laughter.]

I am sure I gave my friend no provocation for reducing my dimensions in the RECORD. I hardly knew him, except to trace his path over the costly mosaic of our corridors, whose leanness he larded with the warm flux of his tallow. [Laughter.]

Suppose he be six feet high, and have an abdomen ten feet in girth, with good fat capon lined. [Laughter.] Does the gentleman tell me that therefore he can assume airs of superiority, "genial" airs? Suppose he has a longer oscocoxygis [laughter] and his ancestors had a firmer prehensile grip to a Darwinian limb. [Great laughter.]

Perhaps next he will raise the point of order on me that I cannot vote, because my esophagus is not as magnificent as his own, [laughter,] or his phalanges or metacarpus, or, rather, corn-stealers, are bigger than those of any other member. [Laughter.]

Why should such a one be proud? Falstaff weighed about as much as my friend, but he took care not to make his hilarity too loud—when the prince was about. Will the gentleman still insist on raising the point on my size? Is it raised as to my sternum? [Laughter.] If so, I ask him boldly the size of his duodenum? How is the nature of his body different that his pericardium should take on airs over my medulla oblongata? [Great laughter.]

I fear my friend's latter end will come sooner than he knows. Corpulence is disease. May he return late into heaven; but he must look to his latter end! I am tired of making obituaries here. But if I am called on to speak his eulogy I would draw on two eminent poets who will combine for such an occasion. One is the sweet singer of Michigan and the other Byron. Over his grave let there be inscribed:

Here lies the body  
of  
Congressman Horr;  
'Tis Greece,  
but  
Living Grease  
no more!  
Requiescat!

[Great laughter.]

But, sir, all this badinage aside, I desire to quell once and forever this aggrandizement of assurance and oil at the expense of modesty and tenuity! My pleasure in serving here is of another kind than the body gives. As the scholar said in Beaumont and Fletcher's "Elder Brother"—

For know, sir, that the wings on which my soul  
Is mounted have long since borne her too high  
To stoop to any prey that soars i' t upwards!  
Sordid and dung-hill minds, composed of earth,  
In that gross element fit all their happiness;  
But purer spirits, purged and refined, shake off  
That clog of human frailty. Give me leave  
T' enjoy myself; that place that does contain  
My books, the best companions, is to me  
A glorious court, where hourly I converse  
With the old sages and philosophers;  
And sometimes, for variety, I confer  
With kings and emperors, and weigh their counsels,  
Calling their victories, if unjustly got,  
Unto a strict account, and in my fancy  
Deface their ill-placed statues.

[Applause.]

*Appropriations for the States of West Virginia, Michigan, Wisconsin, and Minnesota for rivers and harbors, in annual appropriation bills, from Forty-first to Forty-fifth Congress, inclusive. (First session, Forty-first Congress, no appropriations in detail.)*

WEST VIRGINIA.

Rivers and harbors.	Act approved July 11, 1870.	Act approved Mar. 3, 1871.	Act approved June 10, 1872.	Act approved Mar. 3, 1873.	Act approved June 23, 1874.	Act approved Mar. 3, 1875.	Act approved Aug. 14, 1876.	Act approved June 18, 1876.	Act approved Mar. 3, 1878.	Total.
Upper Monongahela and Monongahela, between Morgantown and New Geneva.			\$25,000	\$66,000	\$25,000	\$22,000				\$138,000
Great Kanawha.				25,000	25,000	300,000	\$270,000	\$222,000	\$150,000	992,000
Little Kanawha.						7,300	18,000	18,000	18,000	43,300
New River.						15,000	15,000	12,000	12,000	42,000
Monongahela in West Virginia and Pennsylvania at Hoard's Rocks.								25,000	24,000	49,000
Guyandotte.								2,000	1,000	3,000
Elk River.								5,000		5,000
			25,000	91,000	50,000	322,000	292,300	287,000	205,000	1,272,300

If it be true, as that same Elder Brother said, that we are a nobler substance than the stars, since we have faculties and they have none, may it not hereafter be forgotten in our debates that there are discrepancies in the size of our frames not inhibited by the Constitution, and then argue justly and impersonally on matters of higher moment than ourselves.

FRENCH ILLUSTRATION.

The gentleman from West Virginia [Mr. KENNA] has selected a most unfortunate illustration to sustain his cry for more improvements and more outlay. France is his type. He would have public improvements like hers at every door-step. That republic received from Napoleon III the mischievous system yet in vogue and so commended by gentlemen. The empire for a score of years literally revelled in extravagance. There was the constant disaster of prodigal expenditure till the chief and his honeycombed government fell before its own corruption and the German arms. The abuses of France were mainly connected with the lush growth of this bad system of government improvements. They were made to tickle the peasantry and gorge the contractors. When the gentleman boasts of French ability to pay Germany its millions of indemnity he should at least deduct the millions from his estimate of the Napoleonic rule he commends.

When the gentleman refers us to this French custom of giving work to the idle, or rather largesses, for improving public works is it not but another kind of phrase: *Circenses et panem*—sports and food. Circenses are cheap; and we have had four hundred millions of bushels of bread to send to others and abroad this year. It is, sir, the old plan of killing popular life by the enchantments of debasing indulgence. Rome fell, and France has reeled into many a wild, despairing revolution with such policies.

If a conspiracy were formed by devils to destroy this country it would be by corrupting the people with largesses and appropriations.

My friend from West Virginia, [Mr. KENNA] by his remark that he had done more in patriotic endeavor to build up this country by such modes than he accomplished in the whole time he was among the confederate brigadiers attempting to tear it down, provoked applause and laughter! What did he mean? Does he place these services on a par? Do they both belong to the category of patriotic endeavor? Is the quadrumanous activity of "tearing down" the way to advance general prosperity?

I think I understand this analogy from France. But let me again say that when he calculates the advantages of such policies he must deduct from his own credit whatever was the cost of the part of the tearing down which he did. Thus he may estimate the true political balance the country owes him!

I shall do no injustice in debate. Therefore I print what my friend from West Virginia has said:

It is in the interest of the improvement of our commercial highways, and to that extent in behalf of the great commerce of this country. It is patriotic and just. In conclusion I would add that I have done more in the patriotic endeavor to build up this country by voting these appropriations in the last year or two for the improvement of its commercial highways and the advancement of its general prosperity than I accomplished in the whole time I was among the "confederate brigadiers" attempting to tear it down. [Laughter and applause.]

I have often voted general amnesty (and once carried it here in the House) to expunge the one side of this civil-war account. I shall be glad to do it again. Let there be ample amnesty for all the hot distempers and oblivion for all the brave, misguided chivalry of those days of tearing down, but neither amnesty nor oblivion for the mercenary desecration now of the old temple of democracy, wherein is enshrined the best ark of our covenant and the emblems of our faith!

Let me here insert a list of appropriations for certain objects and localities.

*Appropriations for the States of West Virginia, Michigan, Wisconsin, and Minnesota for rivers and harbors, &c.—Continued.*

MICHIGAN.

Rivers and Harbors.	Act approved July 1, 1870.	Act approved Mar. 3, 1871.	Act approved June 10, 1872.	Act approved Mar. 3, 1873.	Act approved June 23, 1874.	Act approved Mar. 3, 1875.	Act approved Aug. 14, 1876.	Act approved June 18, 1878.	Act approved Mar. 3, 1879.	Total.
Ontonagon.	\$10,000									\$105,000
Marquette.	25,000	\$60,000	\$50,000	\$15,000	\$23,000	\$25,000	\$15,000	\$15,000	\$17,000	185,500
New Buffalo.	5,000									5,000
Aux Bees Scies.	10,000	10,000								20,000
Manistee.	20,000	9,000	10,000	10,000	10,000	25,000	14,000	15,000	10,000	123,000
Pere Marquette.	10,000	10,000	10,000	7,000	10,000	10,000	5,000	12,000	7,500	30,000
White River.	20,000	20,000	10,000							101,500
Muskegon.	10,000	15,000	10,000		10,000	25,000	15,000			5,000
Grand Haven.	10,000	6,000	15,000	75,000	50,000		15,000	15,000	9,000	195,000
Black Lake.	10,000	10,000	10,000	12,000	15,000	15,000	15,000	10,000	6,000	103,000
Saugatuck.	10,000	10,000	15,000	10,000	10,000	10,000	3,000	2,500	5,000	75,500
South Haven.	10,000	15,000	12,000	20,000	10,000	10,000	10,000	12,000	7,500	105,500
Saint Joseph.	15,000	10,000	3,000		3,000		12,000	12,000	6,000	60,000
Saint Mary's Falls, Canal, and River.	150,000	250,000	300,000	200,000	200,000	130,000	175,000	300,000	1,905,000	1,905,000
Au Sable.	15,000	10,000	10,000				1,000			7,000
Saginaw, and River.	1,500				15,000	30,000	11,000	25,000	8,000	90,500
Saint Clair Flats and Canal.	16,500	1,500	4,000	100,000				5,000	3,000	130,000
Clinton River.	5,000	1,500								6,500
Pentwater.	10,000	10,000	30,000	20,000			10,000	10,000	6,000	86,000
Cheboygan.			10,000	15,000	15,000	15,000	10,000	8,000	3,000	91,000
Harbor of Refuge and Lake Huron.			100,000	75,000	75,000	100,000	75,000	100,000	75,000	70,000
Menomonee, (Michigan and Wisconsin).				25,000	25,000					50,000
Frankfort.				10,000	10,000	10,000	3,000	8,800	4,000	57,800
Mouth of Black River.				15,000						15,000
Monroe.				10,000	15,000	10,000	5,000	2,500	2,000	54,500
Ludington.					25,000	20,000	10,000	15,000	5,000	85,000
Saint Clair River.					15,000	15,000	10,000		1,500	41,500
Detroit River.						25,000		100,000	50,000	175,000
Eagle Harbor.							10,000	12,000	8,000	32,000
Sebawaing.							8,000			8,000
Pine and Saint Clair.							5,000			5,000
Charlevoix.								10,000	12,000	31,000
Thunder Bay.								4,500		4,500

WISCONSIN.

Superior City and Duluth.	40,000	60,000	50,000	100,000			3,000	3,000	5,000	261,000
Green Bay.	17,000	17,500		20,000	10,000	10,000	8,000	5,000	4,000	91,500
Manitowoc.	20,000	11,000		20,000	10,000	10,000	8,000	15,000	6,500	100,500
Sheboygan.	15,000	15,000	18,000	10,000	10,000	12,000	6,000	4,000	3,000	93,000
Milwaukee.	40,000	35,000		10,000	10,000	25,000	26,000	15,000	7,500	171,500
Racine.	10,000	10,000		20,000	10,000	10,000	8,000	10,000	6,000	84,000
Kenosha.	10,000	10,000	10,000		10,000	15,000	8,000	8,000	5,000	76,000
Port Washington.	15,000	15,000	15,000	15,000	10,000	10,000	8,000	5,000	7,500	100,500
Fox and Wisconsin Rivers, improvement.	110,000		145,000	300,000	300,000	500,000	270,000	250,000	150,000	2,025,000
Two Rivers.		25,000	25,000	25,000	15,000	15,000	5,000	10,000	20,000	140,000
Ahuapee.		25,000	25,000			25,000	8,000	8,000	7,000	98,000
Menomonee, (Wisconsin and Michigan).		25,000			25,000	25,000	8,000	10,000	10,000	103,000
Harbor of Refuge, Sturgeon Bay, and canal.				40,000	10,000			30,000	30,000	110,000
Chippewa River.							10,000	10,000	8,000	28,000
Saint Croix River.								10,000	8,000	18,000
Harbor of Refuge, Portage.									10,000	10,000

MINNESOTA.

Minnesota River.	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	80,000
Falls of Saint Anthony and river above.	50,000	50,000	50,000	50,000	150,000	100,000	120,000		10,000	580,000
Duluth Harbor.		60,000	50,000		10,000	35,000	15,000	30,000	25,000	295,000
Lock and dam, Meeker's Island.				25,000						25,000

RECAPITULATION.

West Virginia.										\$1,272,300
Michigan.										4,819,300
Wisconsin.										3,510,000
Minnesota.										910,000
										11,505,600

Total amount of annual river and harbor appropriation bills from Forty-first to Forty-fifth Congress, inclusive. 54,968,217

With such a long catalogue of rivers and what not, for improvement, one would think nature had been niggard toward this land, and that the Government in its blessings had mocked us, as the thirsty Tantalus, who had sight of water but no power to use it. Yet our rivers are long and our lakes are broad, our sea-coast many thousand miles, and our harbors beyond comparison. The general features of this country are juicy. Yet why waste so much in spoiling them? Where shall we venture hereafter, if this goes on, for natural scenery and unartificial transportation? All our little and big places are to be improved. Is there no work to be done in the mountains, where at least "five wild torrents fiercely glad" bound out of some glacier into the sunlight and sing the song of the Alps without desecrating the sanctity of nature by the rude hands of sordid legislation? Why not, if we must aid the waste places, go to the alkali plains and utilize them? There are spots where not even an Arab might find a date and a camel would not totter to his fall; where even the Bedouin would not dream of an houri or listen, in fancy, to the call of the distant muezzin.

THE KISKIMINETAS.  
These bills, by whomsoever surveyed, engineered, propounded, and adopted, had—

All the infections which the sun sucks up  
From fens, bogs, flats.

As I read the river and harbor bills of the past two years in the statutes, what a commentary comes to my mind! Here are ten pages in the second session of the Forty-fifth Congress and thirteen pages in the next session. Nearly all these pages are full of streams unknown to any ordinary geography.

Mr. REAGAN. Does the gentleman refer to the Kiskiminetas as a river ever appropriated for in this Congress?

Mr. COX. Oh, I know all about it; the appropriation was only for a survey—merely opening a way for an appropriation to improve the river. I understand that when the survey took place they bored a hole in that stream for abutments, and all the water ran into the hole. [Laughter.]

Mr. REAGAN. I am sorry—

The CHAIRMAN. The gentleman from New York is not subject to interruptions, except by his own consent. Any gentleman desiring to interrupt him will please address the Chair in the first instance.

Mr. COX. I consent to no more interruptions.

Mr. REAGAN. The gentleman ought to consent when he misrepresents facts on a grave subject.

The CHAIRMAN. The Chair, when he understands whether the gentleman from New York consents to interruptions, will govern himself accordingly.

Mr. COX. I think it likely that in a few minutes the gentleman will get up again, and I will then indicate whether I consent to the interruption.

Mr. KELLEY rose.

Mr. COX. I hope the gentleman will not interrupt me.

Mr. KELLEY. I merely wish to ask whether when the Kiskiminetas was drained, as the gentleman has suggested, they did not get a good turnpike road. [Laughter.]

Mr. COX. I presume that was the very object of the appropriation. A gentleman told me the other day that going through that part of Pennsylvania and looking out of the car window he saw some water there. An iron furnace was built right on the banks of the Kiskiminetas, and a little water was used for the purpose of running the furnace. All at once the furnace stopped; there were some sows and pigs in the stream. They needed public improvement, and the great iron interests of Pennsylvania were suffering in consequence. [Laughter.]

These streams named in these statutes I cannot name.

It would be inviolable to name them. Some of course are for surveys; but on page 162 where the "Kiskiminetas and Conemaugh Rivers from the mouth of the Kiskiminetas, to the mouth of Stony Creek on the Conemaugh," assumes importance, as a sample. When I read of Rogue River, Duck Creek, Kankakee, Tangipahoa, Chickasaboy, Mispillion Creek, Wateree, Sebwaing, Gasconade, Minnepeaukie, Manitowoc, Scuppernong, and Chickahominy, they are all included in the generic term, Kiskiminetas; they comprehend the principle. [Laughter.]

This gentle stream is recalled by the remarks of the gentleman from Texas. He referred to our former debate as to "dry creeks and macadamizing."

From it learn most, if not all, the exuberance of our commerce appropriations. A gentleman from Louisiana [Mr. ELLIS] called the Kiskiminetas unpronounceable. To me, it rolls trippingly on the tongue, like bubbling honey! Kiskiminetas! There may be seen the Conestoga team, with its road wagon, its eight Norman horses, its bells, its tar-bucket and dog under the wagon—illustrative of the earlier days of Pennsylvania enterprise. [Laughter.] But what should be said of the gentleman from Michigan, or rather Port Huron? Is there any appropriation bill for rivers and harbors which he has not championed, especially when it had fabulous amounts for his own beloved waters, which the foregoing table develops? Nearly five millions in a few years and for every little discrepancy in her natural scenery of land and water. After all his devotion, I expected to see him follow the former member from West Virginia [Mr. HEREFORD] to the Senate; but his day will come. Steal gently, ye years of unrequited toil—steal away, and give my vigilant friend his reward on earth before he attains to that other sphere.

Being on the Commerce Committee for years, and making his combinations with skill and audacity, he has been enabled to draw from the Treasury millions of money for his own and other petted localities. Here are over thirty different places—watering places—all wanting money. Water, water everywhere; so that one might expect to see members from Michigan, like old Aberon, rise here clad in humid vestments?

#### WHAT ARE THE WILD WAVES SAYING?

So that it would appear a good deal depends not merely on the kind of men who are on the committees, but on their locality. I would as soon expect generosity for abstract principles of general legislation when a member is prodded from behind by an avidious constituency, as milk from a male tiger. Gentlemen, as appears by the list, divide with no one except when they get the largest share; and only give away as much as is necessary to secure their own part of the spoil. This legislation reminds me of the old maps of China. They drew a square, then a circle inside the square, as large as possible. All inside the circle except the little four corners was the Celestial flowery kingdom; all outside were barbarians, and banished from its beatitudes. When, therefore, a member speaks with all the soft and sweet vibrations of a Sabbath bell and pleads with such a loving voice for his old Committee on Commerce to have control of the river and harbor moneys, we know it simply means the aggrandizement of his own beloved Texas, West Virginia, or Michigan, and who inside of his charmed circle will reproach him?

But he is outstripped far in his water-frontage and his commercial interests by my young and ingenuous friend from West Virginia, who spoke so eloquently against this rule. Sir, I feel the need of caring for the great commercial enterprises of West Virginia! Our appropriation bills are full of attention to the immensity of her commercial wants. I would speak simply and modestly, as a member from the sylvan glades and forest repose of the placid coasts of the Atlantic; for how can "a satyr who comes staring from the woods speak like an orator?" Recognizing the fact, for I was born in the

West, on one of its wildest coasts—I mean the Muskingum—having heard in my youth the deafening roar of its tumultuous surf and the everlasting shriek of its gigantic stern-wheelers, it is not impossible for me to feel and know what the wild waves are saying on the Big and Little Sandy. [Laughter.]

From creation's dawn till now the tempestuous fury of wind and tide and rushing waters has been going on out West. It became so incessant and so stupendous I retired to the placid, flower-margined banks of the placid Atlantic. There my restless spirit found repose; but, sir, memory, like the sea-shell which you place to your ear, recalls its august abodes, and murmurs as the ocean murmurs there; and in studying the duties of my position as a member of the little hamlet of New York, I could not fail to recall the wild sublimity of that early day when I snaked saw-logs and caught sunfish in the pelagic waters and thundering surf of the magnificent Muskingum!

#### OIL!

Ah, sir, there is a happy provision of nature. Nature has her compensations. These tempestuous seas of Western Virginia, these pelagic waters, where the duodolum disports herself, are happily surrounded by other elements of moderation and temperance! Following the withdrawal of the bore from the soil of West Virginia rises the flexible column of petroleum! Oil, sir, oil! By all the gods of Greece, oil! Upon these wild and oceanic waters, where tempests roar and the despairing sea-gull itself fails to shriek out her agony as a restless damned soul—the waters of that State, in their maddening conflicts, would long since have dashed and washed the soil into solution, into the Ohio and Mississippi. Crazy deltas which no skill of Eads could remove or remedy, and immense continents which no Columbus could discover, would have been the consequence. But, sir, oil came to pour its healing into the wounds of Nature and to give peace to the troubled waters! It must be remembered that one reason for the Muskingum and Kanawha being made such general subjects of Federal anxiety is that its waters are here and there found to be saline. This gives added fury to their tempestuous; and but for oil, and appropriations for slack-water and a coffer-dam or so, their wild and ungovernable fury in rolling down to the gentle Gulf of Mexico and the inviolate sea would destroy utterly all the efforts and bankrupt all the corporations engaged in protecting and leveeing the Father of Waters. Thus the child of Kanawha rules the father; and by consequence, when we appropriate for the one we aid the other. The principle is comprehensive. These terrific and irrepressible conflicts of Kanawha often have their placid moments, when its surface is specially oleaginous. Then the human heart longs to ask "What were the wild waves saying, brother?" when they were so wild and wrathful.

Hush! I think I hear them whispering, "Glory, honor, praise to the member from West Virginia who made it possible to override all the old traditions of democratic faith to care for the commerce of the Kanawha!" "Paeans and praises to the honored member from Texas who joins the eloquence of the Gulf to the mighty minstrelsy of the ocean in its thunderous diapason to protect the commerce of Kanawha and Port Huron! Immortalization on earth and immortality hereafter be to him of Michigan" thunders back "the profound, eternal bass" of the league-long rollers which thunder upon those tempestuous coasts! [Applause and laughter.]

Oh, sir, there is another, another and most inimitable kind of thunder preparing to reach this Capitol! I mean that of public reprobation. It demands that we have no more appropriation bills from such remarkable committees, and something like old-fashioned ways in caring for general interests!

#### CONCLUSION.

Mr. Speaker, I would not have entered upon this debate but for the personal challenge of the gentleman from Texas to those of us who contested with him for amendment and debate on his bills, and whom he charges again with misrepresentation and demagogism. Still I omit no opportunity, either before the people or here, to insist on the old rules of frugality and honesty. I dedicate now my later growth as I did my first fruits upon this altar.

I am not an indiscriminate praiser of the time past, even in our own history; but I admire the Government, in its beautiful proportions and divisions, which our honored ancestry built. They built wiser than they knew. What other polity could have withstood the shock of civil conflict and the demoralization of administration since its termination? If one of the revered architects of our system could appear from his tomb, would he not point with more severity than did "buried Denmark" at the present rottenness in the state? Where is the old simplicity and purity? Where the old champions? Who wields the sword of Arthur or the claymore of Bruce? Are not the teachings of frugality of the great men of even a quarter of a century ago habitually disregarded? The war is responsible for much reckless and unconscionable conduct. It is the canker which follows war. The insane greed for wealth, the enormous growth of capital, the ill-gotten and even well-gotten wealth, public debts and private speculations, shoddy display and superficial fashion, monopolizing corporations and family greed—the desire to shine in the calcium glare of the present feverish round of social and political junketing—these are the evidences of a rooted malady, for which the White House and the Congress are in part responsible, and to contribute to which this insane rage for making public works at every doorstep is a fruitful

illustration. Our cradled Hercules will not grow great upon such watery food.

I will not say that this would have been otherwise had the democratic party, under similar circumstances, given the rule to manners and men. Yet it is not without pride that we point to the days when an austere simplicity crowned the characters of democrats of the Jefferson and Jackson type. These latter-day utterances, compared with the great and austere thoughts of the southern democracy of other days, are as the twang of a child's holiday trumpet to the lyre of David. We are not a peculiar people. Rome had her Cato; but she had her Domitian also. The austerity of the one is in great contrast with the frivolity of the other; but the lesson Rome leaves us in matters of public extravagance as a cure for debasing squalor is pregnant with meaning for those who will read her decline and fall under the soft allurements of unbridled luxury.

When, therefore, my friend from West Virginia, whom I greatly respect, and whose sins are not like those of the veteran statesman from Texas, presents himself as helping the crusades against the Treasury for objects which those of the South in the better and elder days considered not merely unconstitutional but corrupting, and when he associates with these objects the unmercenary object for which these men or their sons imperiled all save honor, I must recall to him in sadness the sentiment which the North will soon learn, that there are no permanent trophies of civil conflict. There is a bridge of gold for the heroes of these dire and bloody contests, upon which they pass to that other world where no fallible judgment will meet them. The flag he flaunts so flippantly as one upborne by himself never shielded a system like that he now and here upholds. Oh, no, sir; oh, no! Let us all, as brethren with a common love and bond, furl that flag forever. Let us join in the song of the good Catholic priest, Father Ryan, who was as much devoted to the Stars and Bars as to anything on earth except the cross of his Lord and Saviour:

Furl that banner! True, 'tis gory;  
Yet 'tis wreathed around with glory,  
And 'twill live in song and story  
Though its folds are in the dust;  
For its fame on brightest pages,  
Penned by poets and by sages,  
Shall go sounding down the ages.  
Furl its folds though now we must.  
Furl that banner softly, slowly;  
Treat it gently; it is holy;  
For it droops above the dead.  
Touch it not; unfold it never;  
Let it droop there, furl'd forever,  
For the people's hopes are dead.

[Applause.]

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

Mr. HARR. I should like to have ten minutes, but it will do me just as well in the morning. [Cries of "No!" "No!"]

Mr. BLACKBURN. I will consult the pleasure of the gentleman from Michigan. [Cries of "Go on!"] I will yield to the gentleman from Michigan.

Mr. HARR. If it be the pleasure of the House to give me ten minutes to-morrow I would prefer it. If not, I will go on now. [Cries of "Go on!"]

Mr. BLACKBURN. I simply desire to consult the pleasure of the gentleman from Michigan. If he wishes the time now I will yield; but if not, I will move the committee rise.

Mr. HARR. Then I will take ten minutes in the morning.

The CHAIRMAN. The Chair will remind the committee of the fact that by the order of the House all general debate has been closed on this bill at the close of this day's session. However, the Chair understands the gentleman from Michigan to ask unanimous consent for ten minutes, and that he may have that time now or in the morning.

Mr. BLACKBURN. I wish to deal in exact fairness by the gentleman from Michigan. The House having ordered all general debate to be closed with this day's session, I wish to ask whether the gentleman will be entitled to more than five minutes should he not take his time now.

The CHAIRMAN. Only by unanimous consent, which the Chair understands the gentleman to ask.

Mr. BLACKBURN. I ask, then, is it competent for this Committee of the Whole on the state of the Union to change the order of the House fixing the limit for general debate on this bill?

The CHAIRMAN. It can only be done by the House.

Mr. GARFIELD. I suggest that an adjustment of this matter can be made in a moment by the committee rising and, in the House, asking unanimous consent to allow the gentleman from Michigan fifteen minutes to say what he desires to say.

Mr. BLACKBURN. I will be glad to do that.

The CHAIRMAN. That can be done to-day, or when the motion is made to go into committee in the morning.

Mr. BLACKBURN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules on the subject of the proposed revision of the rules, and had come to no conclusion thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced

the passage, without amendment, of a joint resolution (H. R. No. 145) authorizing certain printing for the land commission.

It further announced the passage of the following joint resolutions, in which concurrence was requested:

Joint resolution (S. R. No. 56) authorizing the printing and binding of additional copies of the report of the Chief Signal Officer of the Army; and

Joint resolution (S. R. No. 64) extending the provisions of the first section of an act entitled "An act fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes," approved June 27, 1879.

#### EXTENSION OF TIME FOR DEBATE.

Mr. ROBINSON rose, but yielded to

Mr. TUCKER, who said: Mr. Speaker, in view of the order of the House closing general debate with this day's session, I now ask by unanimous consent that the gentleman from Michigan, [Mr. HARR.] when we go into the Committee of the Whole to-morrow, shall be allowed fifteen minutes.

Mr. BRAGG. I object. If the gentleman desires to reply now, I will withdraw my objection. The House has listened to him, and it has listened to the gentleman from New York, [Mr. COX.] I will waive objection if the gentleman desires to reply at present; but to postpone this to another day, I must insist on my objection.

Mr. CANNON, of Illinois. Is it in order to make the motion?

The SPEAKER. It is not; because a motion to reconsider was made, after the vote fixing the limit of debate, and that motion to reconsider was laid upon the table. The Chair, however, will entertain the motion that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. TUCKER. I will make that motion.

Mr. CONGER. Pending that, I move the time for general debate be extended fifteen minutes, for the purpose of hearing my colleague, [Mr. HARR.]

The SPEAKER. It cannot be done.

Mr. CONGER. It is an extension of time.

The SPEAKER. But that has been disposed of, and the motion to reconsider laid upon the table.

Mr. CLYMER. Has the motion to reconsider the vote closing debate been laid upon the table?

The SPEAKER. It has.

Mr. CONGER. I move that there be an extension of fifteen minutes in the time allowed for general debate.

Mr. KELLEY. The gentleman from Wisconsin did not make his objection—

The SPEAKER. The gentleman from Pennsylvania has not been recognized.

Mr. CONGER. The House has the right to fix a further time for debate.

Mr. GARFIELD. The gentleman from Michigan can have five minutes in his own right, and then others can surrender him their five minutes, which will cover the case. No one will object to that.

Mr. MILLS. I hope by unanimous consent they will give him as much time as he wants.

The SPEAKER. The Chair will facilitate the gentleman getting time so far as he can, provided it involves no infraction of the rules.

Mr. HARR. I consent to say what I have to say under the five-minute rule. I do not think it will take over five minutes to do the job.

#### UNITED STATES COURTS IN GEORGIA.

Mr. ROBINSON. Mr. Speaker, I move by unanimous consent to take from the Speaker's table the bill (H. R. No. 3034) to provide for circuit and district courts of the United States at Macon, Georgia, and to transfer certain counties from the northern to the southern district in said State, for the purpose of concurring in the Senate amendments.

There was no objection, and it was ordered accordingly.

The amendments of the Senate were read, as follows:

In the fifth section strike out the following words:

"All offenses committed in either of said divisions shall be cognizable and indictable within said division."

And in lieu thereof insert as follows:

"Prosecutions for crimes or offenses hereafter committed in either of the subdivisions shall be cognizable within such division; and all prosecutions for crimes or offenses heretofore committed within either of said counties, taken as aforesaid from the northern district, or committed in the southern district as hitherto constituted, shall be commenced and proceeded with as if this act had not been passed."

In line 1, section 6, before the word "actions," insert the word "civil;" so it will read:

"Civil actions or proceedings now pending at Savannah, in said southern district, which would under this act be brought in the western division of said district, may be transferred, by the consent of all the parties, to said western division," &c.

Mr. CONGER. I desire to ask the gentleman from Massachusetts a question.

Mr. ROBINSON. Certainly.

Mr. CONGER. And that is, whether this provides for the disposition of suits under the timber-violation act?

Mr. ROBINSON. Not at all.

Mr. CONGER. It has no relation to that whatever?

Mr. ROBINSON. Not the slightest.

The amendments of the Senate were concurred in.

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

The latter motion was agreed to.

FITZ-JOHN PORTER CASE.

Mr. SPARKS. I rise to a privileged question. I find in the RECORD of yesterday that there was an order, as the RECORD states, for printing.

The SPEAKER. That is not a privileged question, but the Chair will hear it.

Mr. SPARKS. It was for the printing of the majority and minority reports in the Fitz-John Porter case. They have not been printed, and I am told they are not in the Journal.

The SPEAKER. And the House did not order these reports to be printed in the RECORD.

Mr. SPARKS. I am told by the Speaker to that effect. I will state that I so understood it, but of course the Chair has the conclusion of it. I so meant it.

The SPEAKER. The only question is whether the gentleman so said it.

Mr. SPARKS. I so understood it. I now ask they be printed in the RECORD to-morrow morning.

The SPEAKER. The Chair did not hear it, the Journal does not show it, and the CONGRESSIONAL RECORD does not show it. The Chair recognizes the gentleman from Illinois to move the reports be printed in to-morrow's RECORD.

Mr. CONGER. Have they been ordered to be printed in the usual form?

The SPEAKER. They have.

Mr. CONGER. Then I object.

Mr. SPARKS. Why do you object to that? The gentleman from New York [Mr. McCook] wants it done.

Mr. CONGER. Has the House ordered them to be printed in the usual pamphlet form?

Mr. SPARKS. We want them in the RECORD.

Mr. McCook. I do not care about the printing of the minority report, and the only reason why I suggest it should be put in the RECORD at all is that gentlemen who have a natural curiosity to see it have asked me in regard to it. I assume if it is printed in the RECORD to-morrow that will obviate the necessity of having it printed in the RECORD when the case comes up for discussion. I do not care anything about it myself.

Mr. SPARKS. As we both agree, I do not see why objection is made.

The SPEAKER. If the reports are ordered to be printed in to-morrow's RECORD then it may be understood that they shall not be printed again when they are read.

Mr. CONGER. On that understanding I withdraw the objection.

The SPEAKER. Is there further objection? [After a pause.] The Chair hears none.

The bill and reports are as follows:

A bill for the relief of General Fitz-John Porter, &c.

Be it enacted, &c. That the findings and sentence of the general court-martial, convened in the city of Washington, District of Columbia, November 27, 1862, pursuant to Special Orders No. 362, dated Headquarters of the Army, November 25, 1862, and promulgated in General Orders No. 18, dated War Department, Adjutant-General's Office, Washington, January 22, 1863, in the case of Major-General Fitz-John Porter, late major-general of volunteers and colonel United States Army, are hereby set aside, revoked, and annulled, and the disqualifications of Fitz-John Porter thereunder be, and they are hereby, removed, the said findings and sentence having been based in error and without due knowledge of the facts of the case.

SEC. 2. That Major-General Fitz-John Porter is hereby declared restored to the service of the United States, with all the rank, rights, title, and privileges to which he would have been entitled if there had been no court-martial, and in conformity to the recommendation of the board of officers convened by Special Order No. 75, dated Headquarters of the Army, Adjutant-General's Office, Washington, April 12, 1878.

SEC. 3. The colonelcy of the Fifteenth Infantry, held by General Porter in January, 1863, having been filled by regular promotion and confirmation by the Senate, the position of colonel now to be held by General Porter will be supernumerary until a vacancy shall occur in the Army, when he will be assigned to that position, and the supernumerary colonelcy shall cease to exist.

SEC. 4. The position of colonel of the United States Army, to which General Porter is restored by this act, will be held by him as supernumerary until a vacancy in the rank of colonel shall occur, when he shall be assigned to the regiment to which it pertains; but if the said Porter shall so elect, the President of the United States may retire him on the rank of major-general, that being the rank held by him while in service.

SEC. 5. That the amount due and payable to the said Porter, as arrears, under the provisions of this act shall be determined by estimating the pay and allowances of a major-general on the retired list of the Army from the 28th day of January, 1863, (the date of last payment,) to the 31st day of August, 1866, both dates inclusive, and the pay and allowances of a colonel, on the retired list of the Army entitled to credit for twenty years' service, from the 1st day of September, 1866, to the date of the passage of this act; and the entire sum, or sums, so estimated and determined shall be paid to the said Porter by the Secretary of the Treasury immediately upon the passage of this act; the sum required for the purpose being hereby appropriated from any moneys in the Treasury not otherwise appropriated.

Mr. SPARKS, from the Committee on Military Affairs, submitted the following report:

[To accompany bill H. R. No. 3764.]

The Committee on Military Affairs, to whom was referred the message of the President of the United States in the case of Fitz-John Porter, late major-general of volunteers, which said message is in the words following, namely:

"To the Senate and House of Representatives:

"I transmit herewith the 'proceedings and report' of the board of officers, convened by Special Orders No. 78, headquarters of the Army, Washington, April 12,

1878, in the case of Fitz-John Porter. The report of the board was made in March last, but the official record of the proceedings did not reach me until the 3d instant.

"I have given to this report such examination as satisfies me that I ought to lay the proceedings and conclusions of the board before Congress.

"As I am without power in the absence of legislation to act upon the recommendation of the report further than by submitting the same to Congress, the proceedings and conclusions of the board are transmitted for the information of Congress, and such action as in your wisdom shall seem expedient and just.

R. B. HAYES.

"EXECUTIVE MANSION, Washington, June 5, 1879."

having carefully considered said message, together with the evidence, documents, and subject-matters involved therein, beg leave to submit the following report:

That on the 27th day of November, 1862, a court-martial was convened at the city of Washington, District of Columbia, by order of Major-General Halleck, General in-Chief of the Armies of the United States, for the trial of certain charges and specifications exhibited against Major-General Fitz-John Porter, United States volunteers, by (as it appears of record) "B. S. S. Roberts, inspector-general of Major-General John Pope's Army of Virginia," for violations of the ninth and fifty-second articles of war; which, for convenient reference, are herewith presented, and are in the following words:

ARTICLES OF WAR.

"ART. 9. Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretense whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offense, be inflicted upon him by the sentence of a court-martial."

"ART. 52. Any officer or soldier who shall misbehave himself before the enemy, run away, or shamefully abandon any fort, post, or guard which he or they may be commanded to defend, or speak words inducing others to do the like, or shall cast away his arms and ammunition, or who shall quit his post or colors to plunder and pillage, every such offender, being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial."

That said Porter was by said court-martial found guilty of both charges and a part of the specifications, and was by said court sentenced "to be cashiered and forever disqualified from holding any office of trust or profit under the Government of the United States," which finding and sentence were approved by the President of the United States January 21, 1863, and said Porter dismissed from the service as major-general of volunteers and as colonel and brevet brigadier general in the regular service of the United States.

That said Porter from thenceforth, earnestly protesting innocence of the charges preferred and of the injustice done him by the sentence, approval, and dismissal aforesaid, has made vigorous and persistent efforts and urgent appeals to every incoming administration for a re-examination of said charges, specifications, sentence, and findings, all of which, however, had proved fruitless until, in answer to an appeal made by him on the 9th day of March, 1878, to the present Executive, the following special order was issued, namely:

[Special Orders No. 78.]

HEADQUARTERS OF THE ARMY,  
ADJUTANT-GENERAL'S OFFICE,  
Washington, April 12, 1878.

The following order has been received from the War Department.

An appeal has been made to the President, as follows:

"NEW YORK, March 9, 1878.

"SIR: I most respectfully, but most urgently, renew my oft-repeated appeal to have you review my case. I ask it as a matter of long-delayed justice to myself. I renew it upon the ground heretofore stated, that public justice cannot be satisfied so long as my appeal remains unheard. My sentence is a *continuing sentence*, and made to follow my daily life. For this reason, if for no other, my case is ever within the reach of executive as well as legislative interference.

"I beg to present copies of papers heretofore presented, bearing upon my case, and trust that you will deem it a proper one for your prompt and favorable consideration.

"If I do not make it plain that I have been wronged, I alone am the sufferer. If I do make it plain that great injustice has been done me, then I am sure that you, and all others who love truth and justice, will be glad that the opportunity for my vindication has not been denied.

"Very respectfully yours,

FITZ-JOHN PORTER.

"To His Excellency RUTHERFORD B. HAYES,  
President of the United States."

In order that the President may be fully informed of the facts of the case of Fitz-John Porter, late major-general of volunteers, and be enabled to act advisedly upon his application for relief in said case, a board is hereby convened, by order of the President, to examine, in connection with the record of the trial by court-martial of Major-General Porter, such new evidence relating to the merits of said case as is now on file in the War Department, together with such other evidence as may be presented to said board, and to report, with the reasons for their conclusion, what action, if any, in their opinion justice requires should be taken on said application by the President.

DETAIL FOR THE BOARD

Major-General J. M. Schofield.

Brigadier-General A. H. Terry.

Colonel G. W. Getty, Third Artillery.

Major Asa B. Gardner, judge-advocate, recorder.

The board will convene at West Point, New York, on the 20th day of June, 1878, and is authorized to adjourn from time to time, and to sit in such place as may be deemed expedient.

By command of General Sherman.

E. D. TOWNSEND,  
Adjutant-General.

Official:

L. H. PELOUZE,  
Assistant Adjutant-General.

under which special order the board of distinguished officers thereby appointed, after a protracted and exhaustive review of the testimony adduced before the court-martial, as well as an examination of all present, accessible, and additional evidence, on the 19th day of March, 1879, submitted the following report:

REPORT OF THE BOARD OF ARMY OFFICERS IN THE CASE OF FITZ-JOHN PORTER.

NEW YORK CITY, March 19, 1879.

To the honorable the SECRETARY OF WAR,  
Washington, D. C.:

SIR: We, the board of officers appointed by order of the President to examine the evidence in the case of Fitz-John Porter, late major-general of volunteers, and to report, with the reasons for our conclusions, what action (if any) in our opinion justice requires should be taken by the President on the application for relief in that

case, have the honor to make the following report. The recorder has been directed to forward to the Adjutant-General of the Army the printed record of our proceeding, including all the evidence examined and the arguments of counsel on either side.

We have made a very thorough examination of all the evidence presented and bearing in any manner upon the merits of the case. The recorder has, under instructions from the board, sought with great diligence for evidence in addition to that presented by the petitioner, especially such as might appear to have a bearing adverse to the claims urged by him.

Due care has been exercised not to inquire into the military operations of the Army of Virginia, or the conduct of officers thereof, any further than has seemed necessary to a full and fair elucidation of the subject submitted to us for investigation. On the other hand, we have not hesitated to examine fully into all the facts, accurate knowledge of which seemed to us to be necessary to the formation of a correct judgment upon the merits of the case, and to the determination of the action which justice requires should be taken by the President on the petitioner's application for relief.

We have had the benefit of the testimony of a large number of officers of the late confederate army, a kind of testimony which was not available at the time of General Porter's trial by court-martial. We have also availed ourselves of the testimony of many officers and soldiers of the Union forces who were present on the battle-field and of much documentary evidence, to throw additional light upon points not made perfectly clear in the record of evidence taken before the court-martial; and we have had the use of accurate maps of the battle-field of Manassas, constructed from recent actual surveys made, under the direction of the Chief of Engineers, by a distinguished officer of that corps, who was himself a participant in that battle.

Without such a map neither the testimony upon which General Porter was convicted nor the additional testimony submitted to this board could have been correctly understood.

The evidence which we have thus been able to examine, in addition to that which was before the court-martial, has placed beyond question many important facts which were before the subjects of dispute, and in respect to some of which radically erroneous opinions were entertained by General Porter's accusers, and doubtless by the court-martial that pronounced him guilty.

The result has been, as we believe, to establish beyond reasonable doubt all the facts essential to the formation of a correct judgment upon the merits of the case of Fitz-John Porter. We are thus enabled to report, with entire unanimity, and without doubt in our own minds, with the reasons for our conclusions, what action, in our opinion, justice required should be taken by the President on the petitioner's application for relief.

The evidence presents itself under several distinct heads, namely:

First. The imperfect, and in some respects erroneous, statements of facts, due to the partial and incorrect knowledge in possession of witnesses at the time of the court-martial, and the extremely inaccurate maps and erroneous locations of troops thereon, by which erroneous statements were made to convey still more erroneous impressions.

Second. The opinions and inferences of prominent officers based upon this imperfect knowledge.

Third. The far more complete and accurate statements of facts now made by a large number of eye-witnesses from both the contending forces.

Fourth. The accurate maps of the field of operations and the exact positions of troops thereon at different periods of time, by which statements otherwise contradictory or irreconcilable are shown to be harmonious, and opposing opinions are shown to have been based upon different views of the same military situation; and,

Finally. The conflicting testimony relative to plans of operations, interpretation of orders, motives of action, and relative degrees of responsibility for unfortunate results.

A careful consideration of all the material facts now fully established, in combination with the conflicting or inconclusive testimony last above referred to, gives rise to several diverse theories respecting the whole subject with which General Porter's case is inseparably connected. These diverse views of the subject necessarily involve, in a greater or less degree, the acts, motives, and responsibilities of others as well as those of the petitioner. We have considered with great care and labor, and with our best ability, each and all of these phases in which the subject can be and has been presented, and we find that all these possible views of the subject, when examined in the light of the facts which are fully established by undisputed testimony, lead inevitably to one and the same conclusion in respect to the guilt or innocence of Fitz-John Porter of the specific charges upon which he was tried and pronounced guilty by the court-martial.

Therefore, while exposing General Porter's conduct to the test of the highest degree of responsibility which recognized military principles attached to the command he held under the circumstances in which he was placed, and the orders which he had received, we are able to take that view of the whole subject which seems to involve, in the least possible degree, any question as to the acts, motives, or responsibility of others.

We will now proceed to give, as concisely as we are able to do, a narrative of the events which gave rise to the charges against Major-General Fitz-John Porter, omitting the multitude of interesting but unessential details and all facts having no necessary bearing upon his case, and limiting ourselves to a plain statement of the essential facts of the case which have been established, as we believe, by positive proof.

While the Army of the Potomac was withdrawing from its position on the James River in August, 1862, the Army of Virginia, under Major-General Pope, was ordered to hold the line of the Rappahannock, and to stand on the defensive until all the forces could be united behind that river. General Pope was given to understand that, when this concentration was effected, Major-General Halleck, the General-in-Chief, was to take the field in command of the combined armies. On the other hand, it appears that Major-General McClellan, then commanding the Army of the Potomac, was given to understand that he was to direct the operations of all the forces in Virginia, as soon as they should be united.

It appears that General Pope was notified on the 25th of August that an active campaign was soon to be commenced, without waiting for a union of all the forces, and under some commander other than either of those before named. But this information appears to have been of a secret character, afterward suppressed, and not made known to General McClellan and his subordinates until five days later, when the order appeared from the War Department, depriving McClellan of the command of all his troops then between the Potomac and the Rappahannock, although leaving him in nominal command of the Army of the Potomac.

Thus General Porter, who joined General Pope's army about that time, was left under the impression, which all had previously shared, that the operations of the army were to continue of a defensive character until all the forces should be united and proper preparations made for the commencement of an offensive campaign under a general designated by the President to command the combined armies. But just then the confederate general, Jackson, with three divisions of infantry, one of cavalry, and some artillery, commenced his movement to turn the Union right through Thoroughfare Gap, which gap he passed on the 26th, and that night struck the rear of the Union Army at Bristoe and Manassas Junction. The next morning, August 27, the Union Army changed front to the rear, and was ordered to move on Gainesville, Greenwich, and Warrenton Junction.

General Porter, with his two divisions of the Fifth Corps, arrived at Warrenton Junction on the 27th, and there reported in person to General Pope. That afternoon Hooker's division was engaged with the enemy at Bristoe Station; McDowell

and Sigel were moving on Gainesville, and Heintzelman and Reno on Greenwich. Banks was covering the rear below Warrenton Junction, and guarding the trains in their movement toward Manassas Junction. Porter was at first ordered to move toward Greenwich upon the arrival of Banks at Warrenton Junction, but after Hooker's engagement at Bristoe the following order was sent him, and he received it at 9.50 p. m.:

"HEADQUARTERS ARMY OF VIRGINIA,  
"Bristoe Station, August 27, 1862—6.30 p. m.

"GENERAL: The major-general commanding directs that you start at one o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send him word to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary on all accounts that you should be here by daylight. I send an officer with this dispatch who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks, also, that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

"By command of General Pope.

"GEORGE D. RUGGLES.  
"Colonel and Chief of Staff.

"Major-General F. J. PORTER, Warrenton Junction.

"P. S.—If Banks is not at Warrenton Junction, leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately upon his doing so. If Banks is not at the junction, instruct Colonel Clary to run the trains back to this side of Cedar Run, and post a regiment and a section of artillery with it.

"By command of General Pope.

"GEORGE D. RUGGLES.  
"Colonel and Chief of Staff."

This order plainly contemplated an aggressive movement against the enemy early on the 28th, and required the presence of General Porter's corps at Bristoe Station as early as possible in the morning, to take part in the pursuit of and attack upon the enemy.

The order did not indicate any anticipation of defensive action at Bristoe, but, on the contrary, it indicated continuous, active, and aggressive operations during the entire day of the 28th, to drive the enemy from Manassas, and clear the country. Hence the troops must arrive at Bristoe in condition for such service.

The evidence clearly shows that General Porter evinced an earnest desire to comply literally with the terms of the order, and that he held a consultation with his division commanders, some of his brigade commanders, and his staff officers on the subject. One of his divisions had arrived in camp late in the evening, after a long march, and was much fatigued.

If the troops marched at one o'clock, none of them could have much sleep before starting, and, even if they could arrive at Bristoe by or soon after daylight, they must be in poor condition for a vigorous pursuit of the enemy, who was already some distance beyond Bristoe. But this was not regarded by General Porter as sufficient reason for hesitating to make the attempt to comply literally with the order. He still urged, against the advice of his division commanders, the necessity of implicit obedience. Then, further consideration of the subject disclosed the fact that the road was filled with army trains, which had been pressing in that direction all day and as late at night as they could move, until the way had become completely blocked with wagons. The trains of the Army moving back from the line of the Rappahannock had been ordered to take that road to the number of "two or three thousand." In the language of one of the most intelligent witnesses, the mass of wagons blocked together at places in the road was "like a lot of ice that jams in on the shore." The night had become very dark, or, as testified by most of the witnesses, excessively dark. It would have been difficult to march troops upon a plain and unobstructed road. It was a manifest physical impossibility to march over that road that night, or to remove the obstructions in the darkness of the night. When this situation was made evident, General Porter reluctantly consented to delay the movement two hours, or until three o'clock. At that hour the march was commenced, but it was found that no appreciable progress could be made before daylight. Nothing was gained, or could have been gained, by the attempt to move before the dawn of day. It would have been wiser to have delayed the attempt to move until four o'clock.

A vigorous and persistent effort to make that march, commencing at one o'clock, could only have resulted in greatly fatiguing the troops and throwing them into disorder, from which they could not have been extricated until long after daylight, without making any material progress, and would thus have caused the corps to arrive at Bristoe at a later hour and in a miserable condition.

Abundant experience in situations similar to that above described leaves no room for doubt what General Porter's duty was. He exercised only the very ordinary discretion of a corps commander, which it was his plain duty to exercise, in delaying the march until three o'clock; and in his attempt to move at that time instead of at four o'clock he showed only too anxious a desire to comply with the letter of his orders.

If the order had contemplated, as has been represented, an attack by the enemy at dawn of day, then it would have been General Porter's duty to start promptly, not at one o'clock, but at the moment he received the order, so as to have brought at least some fragments of his infantry to Bristoe in time to aid in repelling that attack. That was the most that he could have done in any event, even by starting the moment the order was received, and then his troops would have been in no condition for any aggressive movement that day.

General Porter reached Bristoe Station as soon as practicable with his corps on the morning of the 28th, and there remained under orders from his superior commanders until the morning of the 29th, taking no part in the operations of the 28th.

In the morning of the 28th McDowell sent Ricketts's division of his corps to Thoroughfare Gap to resist the advance of re-enforcements from the main body of Lee's army, then known to be marching to join Jackson. Banks was at Warrenton Junction and Porter at Bristoe. The rest of the army moved from Gainesville, Greenwich, and Bristoe on Manassas Junction to attack Jackson at that place; but that general withdrew his forces during the night of the 27th and the morning of the 28th toward Sudley and Groveton. He was followed by Heintzelman and Reno, via Centreville; and McDowell and Sigel, after having marched some distance toward Manassas, were ordered to direct their march toward Centreville. In this movement toward Centreville King's division of McDowell's corps struck the right of Jackson's force late in the afternoon, just north of the Warrenton turnpike, a mile west of Groveton. A sharp contest ensued, lasting until some time after dark, when King still held his ground on the turnpike. Reynolds was then near the right of King, Sigel on his right near the Stone House, Heintzelman and Reno near Centreville; Ricketts, who had been sent in the morning to Thoroughfare Gap, was disputing with Longstreet the passage of the gap.

Thus it was still hoped to strike Jackson a decisive blow on the morning of the 29th before re-enforcements could reach him. In the mean time the confederate general had taken up a favorable position a little to the north and west of Groveton and Sudley to await attack.

Under these conditions General Porter, who was still at Bristoe Station, received at six a. m. the following order from General Pope:

"HEADQUARTERS ARMY OF VIRGINIA,  
"Near Bull Run, August 29, 1862—3 a. m.

"GENERAL: McDowell has intercepted the retreat of Jackson. Sigel is immediately on the right of McDowell. Kearney and Hooker march to attack the enemy's rear at early dawn. Major-General Pope directs you to move upon Centreville, at the first dawn of day, with your whole command, leaving your trains to follow. It is very important that you should be here at an early hour in the morning. A severe engagement is likely to take place, and your presence is necessary.

"I am, general, very respectfully, your obedient servant,

"GEORGE D. RUGGLES,  
"Colonel and Chief of Staff."

"Major-General PORTER."

Under this order, General Porter marched promptly with his corps toward Centreville. He had passed Manassas Junction with the head of his column, when he was halted by counter orders, issued in consequence of a grave change which had occurred in the situation since the night before.

King had withdrawn from his position near Jackson's right, on the Warrenton turnpike, and had fallen back to Manassas Junction. Ricketts had fallen back in the night from Thoroughfare Gap to Gainesville, and thence, in consequence of the movement of King, had retired to Bristoe Station.

Thus the way had been left open for the retreat of Jackson to Thoroughfare Gap, or for the advance of Longstreet from that point, and ample time had elapsed for them to effect a junction, either at the gap or near Groveton, before a force could again be interposed to prevent it. The opportunity to attack Jackson's detached force with superior numbers had passed beyond the possibility of recall.

As soon as the withdrawal of King became known to General Pope, he hastily sent a verbal message to General Porter to retrace his steps and move toward Gainesville, and soon followed this message with the following order, which was received by General Porter about 9.30 a. m.:

"HEADQUARTERS ARMY OF VIRGINIA,  
"Centreville, August 29, 1862.

"Push forward with your corps and King's division, which you will take with you, upon Gainesville. I am following the enemy down the Warrenton turnpike. Be expeditious or we will lose much."

"JOHN POPE,  
"Major-General Commanding."

Under these orders General Porter advanced promptly with his corps, followed by King's division, on the direct road from Manassas Junction toward Gainesville, having knowledge of the military situation as above described.

General Porter had met General McDowell near Manassas Junction, and they had conversed with each other relative to this order, placing King's division under Porter's command. McDowell claims that it was conceded that he might go forward and command the whole force, under the sixty-second article of war, but he desired to reunite all the divisions of his corps on that part of the field where Reynolds then was. Hence he wrote to Pope on this subject, awaited his orders, and did not exercise any command over Porter's corps until after the receipt of further orders from Pope.

When, about 11.30 o'clock, the head of Porter's column arrived at Dawkins's Branch, about three and a half miles from Gainesville and nine and a half miles from Thoroughfare Gap, he met the enemy's cavalry advance, and captured some of Longstreet's scouts. The clouds of dust in his front and to his right, and extending back toward Thoroughfare Gap, showed the enemy coming in force, and already arriving on the field in his front.

Morell's division was at once deployed; Sykes closed up in support, King's division following. A regiment was sent forward across the creek as skirmishers, and Butterfield's brigade was started across the creek to the front, and somewhat to the right, with orders to seize, in advance of the enemy, if possible, the commanding ground on the opposite ridge, about a mile distant. Morell's division, with Sykes in support, was ready to advance at once to the support of Butterfield.

At this stage of Porter's operations, some time between 11.30 and twelve o'clock, McDowell, in person, arrived on the field and arrested the movement Porter was making, saying to him in the hearing of several officers, "Porter, you are too far out. This is no place to fight a battle," or words to that effect.

McDowell had received, a few minutes before, a dispatch from Buford, informing him that seventeen regiments of infantry, a battery, and some cavalry had passed through Gainesville at 8.45 o'clock, and moved down the Centreville road toward Groveton, and hence must have been on the field in front of Sigel and Reynolds at least two hours.

The dust in Porter's immediate front and extending across toward Groveton, as well as back toward Gainesville, showed that large forces of the enemy, in addition to those reported by Buford, were already on the field. The latest information from the confederate army showed the whole force of the enemy within reach of Gainesville by noon of the 29th. McDowell's troops (Ricketts's division and some cavalry) had delayed Longstreet's advance at Thoroughfare Gap from about noon until dark on the previous day, 28th. Hence Lee's column had had eighteen hours by the morning of the 29th to close up in mass near the Gap, and seven hours that morning in which to march eight miles and form line on the field of battle.

Jackson, who had been supposed anxious to retreat, and for whom the way had been left open, had not retreated, but was still holding his position of the previous evening, as if confident of adequate reinforcements. Sigel's pursuit had been checked, where it started that morning, at Groveton.

It was certain that the head of column of Lee's main army had arrived on the field in front of Groveton at least two hours in advance of the arrival of the head of column of Porter's and McDowell's corps at Dawkins's Branch, and it was so nearly certain that the main body of Lee's army was already on the field and in line of battle as to absolutely require corresponding action. This was Porter's impression at the time, and he conveyed it to McDowell by words and gesture that left no doubt in the mind of the latter that he (Porter) believed the enemy was in force in his immediate front.

In contrast to this evident preparation of the enemy for battle, only Porter's nine or ten thousand men were ready for action, of the thirty-five thousand men then composing the left wing of the Union army.

Banks's corps, ten thousand, was still at Bristoe without orders to move beyond that point. Ricketts's division, eight thousand, was near Bristoe, under orders to move to the front, but his men were so worn out by constant marching, night and day, that they could not possibly be got to the field even for defensive action that day. King's division, seven thousand, was just in rear of Porter; but was so fatigued as to be unfit for offensive action, and hardly able to march.

Thus this long column, stretching back from Dawkins's Branch by way of Manassas Junction to and even beyond Bristoe, had struck the right wing of the confederate army in line of battle, while a gap of nearly two miles remained in the Union line between Porter and Reynolds, who was on the left of Sigel, near Groveton.

The accompanying map, marked Board Map No. 1, illustrates the positions of the Union troops at noon of August 29, and the probable positions of the confederate troops at the same time, as indicated by the information then in possession of the Union generals. This map is not intended to show the actual positions of the troops at that time, but to correctly interpret the information upon which the Union generals then acted.

This was the military situation on the Union left and confederate right of the field when McDowell arrested Porter's advance, and Porter's operations under the direct orders from Pope heretofore mentioned ceased, and, under new orders just received, Porter became subordinate to McDowell.

Not only had the effort to destroy Jackson before he could be reinforced totally failed, but the confederate army was on the field and in line, while the Union Army was not. The time to resume defensive action, awaiting the concentration of the army, had not only arrived, but had been too long postponed.

On his way to the front McDowell had received the following order from General Pope, addressed jointly to him and Porter, and Porter had received a copy of the same order a moment before McDowell's arrival:

[<sup>1</sup> General Order No. 5.]

"HEADQUARTERS ARMY OF VIRGINIA,  
"Centreville, August 29, 1862.

"Generals McDOWELL and PORTER: You will please move forward with your joint commands toward Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own the whole command shall halt. It may be necessary to fall back behind Bull Run, at Centreville, tonight. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops, except what I sent by his aide-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall upon the enemy's flanks and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts, and instruct him to rejoin the other divisions of his corps as soon as practicable. If any considerable advantages are to be gained by departing from this order it will not be strictly carried out. One thing must be had in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or next day. My own headquarters will be for the present with Heintzelman's corps or at this place.

"JOHN POPE,  
"Major-General Commanding."

This order and the sixty-second article of war made it the duty of McDowell to command the combined corps, so long as they should continue to act together and General Pope should be absent from the field. In this interpretation of the law Generals McDowell and Porter agreed, and upon it they acted at the time. Upon McDowell devolved the responsibility of modifying the joint order as its terms authorized and as the military situation seemed imperatively to require.

The terms of the order contemplating that communication should be established with the troops on the other road, or, as General McDowell interpreted it, that line should be formed in connection with those troops, that the whole command should then halt, and that the troops must not go beyond a point from which they could reach Bull Run by that night or the next morning, and the military situation, as it then appeared to them, was briefly discussed by the two generals.

The situation was exceedingly critical. If the enemy should attack, as he seemed about ready to do, Porter's two divisions, about nine thousand men, were all the force then ready to stand between Lee's main army, just arrived on the field, and McDowell's long and weary column, or the left flank of Pope's army near Groveton. McDowell was "exceedingly anxious" to get King's division over on the left of Reynolds, who then occupied with his small division that exposed flank; and he quickly decided that "considerable advantages" were "to be gained" by departing from the terms of the joint order, so far as to make no attempt to go further toward Gainesville, and to at once form line with the troops then engaged near Groveton; and this departure from the strict letter of the joint order was evidently required by the military situation as it then appeared and as it did actually exist.

After this brief consultation the two generals rode together through the woods to the right, about three-quarters of a mile toward Groveton, and made a personal examination of the ground. As soon as this was done, McDowell decided not to take the troops through these woods, but to separate his own corps from Porter's, take King's division (Ricketts following) around the woods by the Sudley Springs road, and thus put them in beyond the woods and on the left of Reynolds.

McDowell then left Porter very hurriedly, announcing his decision, as he testified by the words, "You put your force in here, and I will take mine up the Sudley Springs road on the left of the troops engaged at that point against the enemy," or words to that effect. Even these few words, we are satisfied, Porter did not hear, or did not understand, for he called, as McDowell rode away, "What shall I do?" and McDowell gave no audible answer, but only a wave of the hand. In this state of uncertainty, according to the testimony of one of General Porter's staff officers, Porter sent a message to King's division to ascertain positively if that division was ordered away by McDowell, and, if not, to give proper orders for its action with his corps, and a reply was returned by McDowell himself that he was going to the right and should take that division with him; that Porter had better stay where he was, and if necessary to fall back, he could do so on McDowell's left.

This testimony has given rise to much controversy; but, in our opinion, the question whether that message was or was not sent is unimportant. If it was sent, it did not differ in substance from the instructions which General McDowell testifies he had previously given to General Porter, "You put your force in here," &c. Neither could be construed as directing what Porter's action should be, but only as deciding that he should continue on that line while McDowell would take his own troops to another part of the field.

There appears to have been an understanding, derived either from previous conversation or from the terms of the joint order, that when McDowell did get King's division on the other side of the woods, Morell's division on the right of Porter's corps should make such connection or establish such communication with that of King as might be practicable through the woods. None of them then knew how wide was that belt of woods, nor what was its character beyond where they had reconnoitered, nor whether the ground beyond was in possession of the enemy.

When the two generals had started to take that ride to the right Morell's troops had been ordered to follow them, and Griffin's brigade had led off after its pickets had been called in. After McDowell took his departure this movement was continued for some time and until Griffin had crossed the railroad and reached a point near half-way across the belt of woods and where the forest became dense. There the movement was arrested. This movement might have meant an attempt to stretch out Morell's line through the woods, so as to connect with King's on the right or a completion of the deployment for an attack upon the enemy in front. General Porter explained it as intended for an immediate attack upon the enemy if he found he could keep King in support, and that he only desisted upon being informed that King was going away. But the attack would have been a rash one under the circumstances, even with King's support. Soon after this scouts were sent on through the woods to look for King, Reynolds, Sigel, or some body of Union troops in the direction where artillery firing was heard.

Presently Griffin was withdrawn to the south side of the railroad. The enemy's artillery opened on his troops during this latter movement, and was replied to by one of Morell's batteries, but few shots being fired on either side. Then Morell's division was put in defensive order to hold the ground then occupied and under cover from the enemy's artillery. The scouts sent through the woods ran upon the

enemy's pickets, and were driven back. This effort to get scouts through the woods was repeated from time to time until late in the afternoon, but every effort failed. The scouts were all driven back or captured. As it turned out, this resulted from the fact that King's division did not get up on the right of the woods at all. That division reached a point some distance in the rear of its position in the line about 4.30 p. m., and then, after some marching and countermarching, was sent northward to the Warrenton pike. Thus the gap in the line which McDowell's troops were to occupy remained open all the afternoon, and the margin of the timber remained in possession of the enemy's pickets.

These failures to connect or to communicate directly along the front were reported by Porter to McDowell by way of the Sudley Springs road, on which McDowell had gone. The reports were made in at least four different written dispatches, which have been preserved. The hour was named in only one, apparently the latest, sent at six o'clock in the evening. Two reports—one about four o'clock and the other about 6.30 p. m.—were sent to General Pope direct. Both of these were received by him, but have not been preserved.

About the time General McDowell arrived on the field at Porter's position and for an hour or two thereafter a heavy artillery combat was going on between the Union batteries near Groveton and the confederate artillery. During this artillery combat, and until five o'clock p. m., there was no infantry engagement except skirmishing and some short and sharp contests between small portions of the opposing forces, and until 6.30 p. m. no musketry was audible to any one in Porter's corps.

On the confederate side, as it now appears, Porter's display of troops—three brigades in line—in the early part of the afternoon had given rise to the expectation of an attack on their right. This having been reported to General Longstreet, that commander sent his reserve division (Wilcox's) from his extreme left, just north of the Warrenton turnpike, to his extreme right, on the Manassas and Gainesville road. Wilcox reached this latter position about four o'clock p. m., and Porter having before that time withdrawn his troops under cover, some troops from the confederate right (D. R. Jones's) were pushed to the front in the woods occupied by Porter's skirmishers, apparently to reconnoiter. This movement gave rise to the impression among Porter's officers (Morell's division) that the enemy was about to attack about five p. m.

General Pope having arrived some time after noon on the field in the rear of Groveton, and General McDowell's column approaching that part of the field by the Manassas and Sudley road, an attack was ordered upon the enemy's extreme left near Sudley, and a written order was sent, dated 4.30 p. m., to Porter to attack the enemy's right, and, if possible, his rear. After some time had elapsed, General Pope ordered McDowell, with King's division and other troops, to pursue up the Warrenton turnpike the enemy, who, thus to be assailed upon both flanks, would be compelled to retreat.

The attack on King's left was begun by Kearney about five p. m.; but the order to Porter was not delivered in time. The messenger did not find General Porter until sunset. Thus, at five o'clock, nothing having occurred to suggest to General Porter any change in the plan indicated in the joint order to retire behind Bull Run instead of giving battle that day, the sound of artillery near Sudley, so much apparently to the rear of Groveton, suggested to Porter, who was then at Bethlehem Church, that Sigel was retiring or perhaps being driven back, and that his artillery was then in a new position near the Sudley Springs road.

If it was true that Sigel was being driven back, the military situation was extremely perilous, and Porter must instantly do what he could to avert disaster. His order to Morell, which must have been issued at that instant, shows what he proposed to do. It is as follows, namely:

"General MORELL: Push over to the aid of Sigel and strike in his rear. If you reach a road up which King is moving,\* and he has got ahead of you, let him pass; but see if you cannot give help to Sigel. If you find him retiring, move back toward Manassas, and, should necessity require it, and you do not hear from me, push to Centreville. If you find the direct road filled, take the one via Union Mills, which is to the right as you return.

"F. J. PORTER,  
"Major-General."

"Look to the points of the compass for Manassas."

"F. J. PORTER."

This movement would have left Porter with Sykes alone to hold the Manassas road and cover the retreat of Ricketts's worn-out troops, who were then stretched along the road for four or five miles both toward Sudley and back toward Manassas Junction, while Morell should cover the retreat of the center of the Army. But now, before Morell had time to commence this movement, came a report from him that the enemy was coming down in force to attack both his front and flank. Porter might in a few minutes have to meet the attack of twenty thousand men. The purpose to cover the retreat of Sigel must needs be abandoned. Hence Porter despatched to Morell:

"General MORELL: Hold on, if you can, to your present place. What is passing?"

"F. J. PORTER."

Again:

"General MORELL: Tell me what is passing quickly. If the enemy is coming, hold to him, and I will come up. Post your men to repulse him."

"F. J. PORTER,  
"Major-General."

And again, in reply to advice from Morell that they had better retire, &c.:

"We cannot retire while McDowell holds on."

Notwithstanding contradictory testimony, we believe it was at this time that Porter ordered Piatt's brigade, of Sturgis's command, about eight hundred men, to move back to Manassas Junction and take up a defensive position to cover the expected retreat.

General Porter reported to General McDowell his views and intentions in the following dispatches:

"Generals McDOWELL and KING: I found it impossible to communicate by crossing the woods to Groveton. The enemy are in great force on this road, and as they appear to have driven our forces back, the fire of the enemy having advanced and ours retired, I have determined to withdraw to Manassas. I have attempted to communicate with McDowell and Sigel, but my messengers have run into the enemy. They have gathered artillery and cavalry and infantry, and the advancing masses of dust show the enemy coming in force. I am now going to the head of the column to see what is passing and how affairs are going, and I will communicate with you. Had you not better send your train back?"

"F. J. PORTER,  
"Major-General."

"General McDOWELL or KING: I have been wandering over the woods and failed to get a communication to you. Tell how matters go with you. The enemy is in strong force in front of me, and I wish to know your designs for to-night. If left to me I shall have to retire for food and water, which I cannot get here. How goes the battle? It seems to go to our rear. The enemy are getting to our left."

"F. J. PORTER,  
"Major-General Volunteers."

"General McDOWELL: The firing on my right has so far retarded that, as I cannot advance and have failed to get over to you except by the route taken by King, I

shall withdraw to Manassas. If you have anything to communicate please do so. I have sent my messengers to you and General Sigel and get nothing."

"F. J. PORTER,  
"Major-General."

"An artillery duel is going on now; been skirmishing for a long time."

"F. J. P."

"General McDOWELL: Failed in getting Morell over to you. After wandering about the woods for a time I withdrew him, and while doing so artillery opened upon us, and I believe some have been captured. Infantry are also in front. I am trying to get a battery, but have not succeeded as yet. From the masses of dust on our left, and from reports of scouts, think the enemy are moving largely in that way. Please communicate the way this message came. I have no cavalry or messengers now. Please let me know your designs, whether you retire or not. I cannot get water and am out of provisions. Have lost a few men from infantry firing."

"F. J. PORTER,  
"Major-General Volunteers."

"AUGUST 29—6 p. m."

But Porter soon found the sounds of artillery had deceived him. The renewal of the firing toward Groveton showed that Pope's troops were still there. Piatt's brigade was then recalled, and no further preparations for retreat were made.

Next came to Porter about 5.30 o'clock a report from the right that the enemy was in full retreat, and heavy sounds of musketry soon after showed that serious work had commenced near Groveton. Porter ordered Morell to make a strong reconnaissance to learn the truth. Morell, knowing the report must be false, at least as to the enemy in his front, prepared to support this reconnaissance with his whole division. While this preparation was being made came the long delayed order, dated 4.30 p. m., to attack the enemy in flank or rear:

"HEADQUARTERS IN THE FIELD,  
"August 29—4.30 p. m."

"Major-General PORTER:

"Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing."

"JOHN POPE,  
"Major-General, Commanding."

This order, though dated at 4.30 p. m., was not received by Porter, at Bethlehem church, before 6.30 p. m.

The evidence before the court-martial tending to show that Porter received the "4.30" order in time to execute it is found in the testimony of the officer who carried the order, and one of the orderlies who accompanied him. Neither of these two witnesses appears to have carried a watch, and their several statements of the time when the order was delivered were based on estimates of the time occupied by them in riding from General Pope's headquarters to the place where they found General Porter. One of them at least knew from an inspection of the order that it was dated at 4.30; he, and probably both of them, therefore assumed that it was then that they started to deliver it, and adding to that hour the estimated time occupied by them, they severally fixed the hour of delivery. It is now proved by the testimony of the officer who wrote the dispatch that "4.30" was not the hour when the message started, but was the hour when he began to write the dispatch, and consequently that it was after that hour that the officer started to deliver it.

It is also shown that these messengers did not and could not, if other parts of their own testimony are true, have traveled over the route which they supposed they had taken. Moreover, it was proved by unquestionable testimony, that since the court-martial trial one of these witnesses had made statements and admissions inconsistent with and contradictory of his former testimony, and the other witness confessed before us that recently he had deliberately made false statements in regard to the route taken while carrying the dispatch. We have therefore felt compelled to lay the testimony of these witnesses out of the case. An attempt was made to support these witnesses by the testimony of another person, who, as it was alleged, also accompanied as an orderly the officer charged with the dispatch, but his testimony was so completely broken down by cross-examination that we regard it as entitled to no weight whatever.

On the other hand, the testimony of General Sykes, Lieutenant Montieth, Lieutenant Ingham, and Lieutenant Weld before the court-martial, that the order in question was not delivered until about sundown, either a little before or a little after that hour, has now been supported by a new and entirely independent witness, Captain Randolph, and has been singularly confirmed by the production, for the first time, of the dispatch from Porter to McDowell, dated 6 p. m., the terms of which utterly forbid the supposition that at that time Porter had received the order.

The moment this order was received Porter sent his chief of staff, Colonel Locke, to General Morell with orders to make the attack at once. He then wrote and sent a reply to Pope, and immediately rode to the front. On his arrival there Morell had about completed his preparations for the attack under the previous order to make a reconnaissance, but darkness had already come on. It was evidently impossible to accomplish any good that night, for, even if Morell might have begun the attack before dark, Sykes could not have been got into line after the order was received. The contest at Groveton had already so far spent its forces as to derive no possible aid from Morell's attack. The order was based upon conditions manifestly erroneous and directed what was impossible to be done. To push Morell's division against the enemy in the dark would have been in no sense obedience to that order. Porter wisely ordered the preparations to cease, and the troops were put into position to pass the night, picketing in all directions, for Porter had but a few mounted men and the enemy had twenty-five hundred cavalry near his flank.

About this time, when darkness had come on, the rear of McDowell's column of weary troops was passing by the rear of Porter's column, still several miles from their destined place on the field. The Union Army was not even yet ready for battle.

The accompanying maps, marked Board Maps Nos. 2 and 3, exhibit substantially the military situation at the time the 4.30 p. m. order was issued, and that which was then understood by General Pope to exist, as explained to the court-martial upon the trial of General Porter.

We believe this plain and simple narrative of the events of the 28th of August clearly shows the true character of General Porter's conduct during that time. We are unable to find in that conduct anything subject to criticism, much less deserving of censure or condemnation.

Porter's duty that afternoon was too plain and simple to admit of discussion. It was to hold his position and cover the deployment of McDowell's troops until the latter, or some of them, should get into line; then to connect with them as far as might be necessary and practicable, and then, in the absence of further orders, to act in concert with those troops and others to the right.

If King's division had come up on the right, as was expected, and had advanced to attack, Porter would have known it instantly, and thus could have joined in the movement.

If the main army retired, as indicated in the joint order, it was Porter's duty to retire also, after having held his ground long enough to protect its left flank and to cover the retreat of Ricketts's troops.

Porter did for a moment entertain the purpose of trying to give aid to Sigel, who was supposed to be retiring before McDowell had got King's division up to his support. That was the nearest to making a mistake that Porter came that afternoon. But it soon enough became evident that such a purpose must be abandoned; Porter had quite his full share of responsibility where he was.

The preparations made for retreat were the ordinary soldierly dispositions to enable him to do promptly what he had good reason to expect he might be required to do at any moment and must do at nightfall.

He made frequent reports to his superiors, stating what he had done and what he had been unable to do; what his situation was in respect to the enemy in his front and the strength of the enemy there; what his impressions were from the sounds of action toward his right; how he had failed thus far to get any communications from any commander in the main army, or any orders from General Pope; asking McDowell, who was nearest to him, for such information and his (McDowell's) *designs for the night*; sending an aid-de-camp to General Pope for orders and received no reply, not even information that the 4.30 order had been sent to him; and, finally, informing his superiors that if left to himself, without orders, he would have to retire at night for food and water, which he could not get where he was. These reports were sent not only frequently, but early enough to insure the receipt of orders from Pope or correct information from McDowell, if they had any to send him, before it would be time for him to withdraw. All these dispatches were sent in the latter part of the afternoon. They all indicated a purpose to retire only after being assured that the main army was retiring, and then to cover the retreat of the army as far as possible, or to withdraw after nightfall, as the joint order had indicated, if no further orders or information of General Pope's plans could be obtained.

There is no indication in any of those dispatches, when fairly construed, nor in anything which Porter did or said, of any intention to withdraw until after dark, unless compelled to do so by the retreat of the main army; and even then he was compelled to hold on until McDowell's troops could get out of the way, and that was not until after dark, for Ricketts's division was on the road in Porter's rear all the afternoon.

It is perfectly clear that Porter had no thought whatever of retreating from the enemy, or of withdrawing because of the enemy in his front; for when the enemy was reported advancing as if to attack, his orders were: "If the enemy is coming, hold to him." "Post your troops to repulse him." "We cannot retire while McDowell holds on."

It appears to have been assumed in the condemnation of General Porter's conduct that he had some order to attack or some information of aggressive plans on the part of General Pope, or some intimation, suggestion, or direction to that effect from General McDowell, or that there was such a battle going on within his hearing, or something else in the military situation, that required him to attack the enemy without orders before receiving the 4.30 p. m. order at sunset. All this was the exact reverse of the truth. General Pope's last order, General McDowell's directions while he was with General Porter, the military situation as then known to both Porter and McDowell, and the movement McDowell had decided to make to get his own troops into line of battle, and the state of the action on the right of the field, all combined to absolutely forbid any attack by Porter during that entire afternoon until he received Pope's order at sunset, and even that order could not possibly have been given if the situation had been correctly understood. An attack by him would have been a violation of the spirit of his orders and a criminal blunder leading to inevitable disaster. In short, he had no choice as a faithful soldier but to do substantially what he did do.

The range of our investigation has not enabled us to ascertain the source of the great error which was committed in the testimony before General Porter's court-martial respecting the time of arrival of the main body of Lee's army on the field of Manassas. But the information which was in possession of the Union officers at noon of the 29th of August, and afterward published in their official reports, together with the testimony before the court-martial, affords clear, explicit, and convincing proof that the main body of that army must have been there on the field at that time.

The recent testimony of confederate officers hardly adds anything to the conclusiveness of that proof, but rather diminishes its force by showing that one division (Anderson's) did not arrive until the next morning; while the information in their possession at that time required the Union officers to assume that that division as well as the others had arrived on the 29th. Yet General Porter's conduct was adjudged upon the assumption that not more than one division under Longstreet had arrived on the field, and that Porter had no considerable force in his front.

The fact is that Longstreet, with four divisions of full twenty-five thousand men, was there on the field before Porter arrived with his two divisions of nine thousand men; that the confederate general-in-chief was there in person at least two or three hours before the commander of the Army of Virginia himself arrived on the field, and that Porter with his two divisions saved the Army of Virginia that day from the disaster naturally due to the enemy's earlier preparation for battle.

If the 4.30 order had been promptly delivered, a very grave responsibility would have devolved upon General Porter. The order was based upon conditions which were essentially erroneous, and upon expectations which could not possibly be realized.

It required an attack upon the enemy's flank or rear, which could not be made, and that the attacking force keep closed on Reynolds, who was far to the right and beyond reach. Yet it would have been too late to correct the error and have the order modified. That order appeared to be part of a general plan. It must be executed promptly or not at all. If Porter had made, not the impossible attack which was ordered, but a direct attack upon the enemy's right wing, he would have been blameless for the fruitless sacrifice of his troops? We believe not. It is a well-established military maxim that a corps commander is not justifiable in making an apparently hopeless attack in obedience to an order from a superior who is not on the spot, and who is evidently in error in respect to the essential conditions upon which the order is based. The duty of the corps commander in such a case is to make not a real attack, but a strong demonstration, so as to prevent the enemy in his front from sending re-enforcements to other parts of his line.

This is all that Porter would have been justifiable in doing, even if he had received the 4.30 order at five o'clock; and such a demonstration, or even a real attack made after five o'clock by Porter alone, could have had no beneficial effect whatever upon the general result. It would not have diminished in the least the resistance offered to the attacks made at other points that afternoon. The display of troops made by Porter earlier in the afternoon had all the desired and all possible beneficial effect. It caused Longstreet's reserve division to be sent to his extreme right in front of Porter's position. There that division remained until about six o'clock—too late for it to take any effective part in the operations at other points of the line.

A powerful and well-sustained attack by the combined forces of Porter's corps and King's division upon the enemy's right wing, if it had been commenced early in the afternoon, might have drawn to that part of the field so large a part of Longstreet's force as to have given Pope some chance of success against Jackson; but an attack by Porter alone could have been but an ineffective blow, destructive only to the force that made it, and, followed by a counter-attack, disastrous to the Union Army. Such an attack, under such circumstances, would have been not only a great blunder, but, on the part of an intelligent officer, it would have been a great crime.

What General Porter actually did do, although his situation was by no means free from embarrassment and anxiety at the time, now seems to have been only the simple, necessary action which an intelligent soldier had no choice but to take. It is not possible that any court-martial could have condemned such conduct if it had been correctly understood. On the contrary, that conduct was obedient, subordinate, faithful, and judicious. It saved the Union army from disaster on the 29th of August.

This ends the transactions upon which were based the charges of which General Porter was pronounced guilty; but some account of the part taken by him and his corps in the events of the following day, August 30, which gave rise to a charge which was withdrawn, is necessary to a full understanding of the merits of the case.

At three a. m. of the 30th, General Porter received the following order, and in compliance with it promptly withdrew from his position in presence of the enemy and marched rapidly by the Sudley road to the center of the battle-field, where he reported to General Pope for orders:

HEADQUARTERS ARMY OF VIRGINIA,  
"IN THE FIELD NEAR BULL RUN,  
"August 29, 1862—8.50 p. m.

"GENERAL: Immediately upon receipt of this order, the precise hour of receiving which you will acknowledge, you will march your command to the field of battle of to-day and report to me in person for orders. You are to understand that you are expected to comply strictly with this order, and to be present on the field within three hours after its reception, or after daybreak to-morrow morning.

"JOHN POPE,

"Major-General, Commanding.

"Major-General F. J. PORTER."

[Received August 30—3.30 a. m.]

At first sight it would appear that in this prompt and unhesitating movement, under this order General Porter committed a grave fault. He was already on the field of battle, confronting the enemy in force, and holding a position of vital importance to the security of Pope's army; while the latter appeared, from the order, to be wholly in the dark respecting these all-important facts. It is true the order was most positive, imperative, and also distrustful in its terms. But those very terms served to show only the more forcibly that the order was based upon a total misapprehension of the essential facts, without which misapprehension it would not seem possible that such an order could have been issued. The well-established military rule is that such an order must never be obeyed until the commander who gave it has been informed of his error and given an opportunity to correct it; but, upon close examination, the opposite view of Porter's conduct under this order appears to be the just one.

Porter had repeatedly reported to McDowell the presence of the enemy in large force in his front. Presumably these reports had gone to Pope, as one of them had in fact. Porter had also sent an aid-de-camp with a written message to Pope about four p. m., and had sent a written reply to the 4.30 p. m. order after 6.30 p. m. These last two dispatches have not been preserved by General Pope, and hence their contents are not known to us; but we are bound to presume that they reported the situation as Porter then knew it, and as he had frequently reported it to McDowell, and the last of these dispatches, in reply to the 4.30 p. m. order, was later than the latest of those in which Porter had spoken of any intention to fall back. Hence Porter had already given to his superior all the information which it was possible for him to give, and nothing remained for him but to obey the order. This movement of Porter's corps on the morning of the 30th was the beginning of the unfortunate operations of that day. This corps, which had been protecting the left flank of Pope's army, was withdrawn from its important position, leaving the left wing and flank exposed to attack by greatly superior force of the enemy, brought to the center of the field and then ordered "in pursuit of the enemy."

["Special Orders No. —.]

HEADQUARTERS NEAR GROVETON,  
"August 30, 1862—12 m.

"The following forces will be immediately thrown forward in pursuit of the enemy and press him vigorously during the whole day. Major-General McDowell is assigned to the command of the pursuit; Major-General Porter's corps will push forward on the Warrenton turnpike, followed by the divisions of Brigadier-Generals King and Reynolds. The division of Brigadier-General Ricketts will pursue the Hay Market road, followed by the corps of Major-General Heintzelman. The necessary cavalry will be assigned to these columns by Major-General McDowell, to whom regular and frequent reports will be made. The general headquarters will be somewhere on the Warrenton turnpike.

"By command of Major-General Pope.

"GEO. D. RUGGLES,

"Colonel and Chief of Staff."

HEADQUARTERS THIRD CORPS, ARMY OF VIRGINIA.

"August 30, 1862.

"Major-General PORTER,

"Commanding, &c."

"Major-General McDowell, being charged with the advanced forces ordered to pursue the enemy, directs me to inform you that your corps will be followed immediately by King's division, supported by Reynolds. Heintzelman, with his corps, preceded by Ricketts's division, will move on your right, on the road from Sudley Springs to Hay Market. He is instructed to throw out skirmishers to the left, which it is desirable you should join with your right. General McDowell's headquarters will be at the head of Reynold's division, on the Warrenton road. Organize a strong advance to precede your command, and push on rapidly in pursuit of the enemy until you come in contact with him. Report frequently. Bayard's brigade will be ordered to report to you; push it well to the left as you advance.

"Very respectfully, your obedient servant,

"ED. SCHRIVER,

"Colonel and Chief of Staff."

These orders led to an attack upon the confederate left wing, Jackson's command, made mainly by Butterfield's and Barnes brigades, of Morell's division, and by Sykes' division, which is described as follows by the confederate generals:

[Extract from General Lee's report of operations of the army of Northern Virginia, battle of Manassas.]

HEADQUARTERS ARMY OF NORTHERN VIRGINIA, March 6, 1863.

"SIR: \* \* \* About three p. m. the enemy, having massed his troops in front of General Jackson, advanced against his position in strong force. His front line pushed forward until engaged at close quarters by Jackson's troops, when its progress was checked, and a fierce and bloody struggle ensued. A second and third line, of great strength, moved up to support the first, but in doing so came within easy range of a position a little in advance of Longstreet's left. He immediately ordered up two batteries, and two others being thrown forward about the same time by Colonel S. D. Lee, under their well-directed and destructive fire the supporting lines were broken and fell back in confusion. Their repeated efforts to rally were unavailing, and Jackson's troops being thus relieved from the pressure of overwhelming numbers, began to press steadily forward, driving the enemy

before them. He retreated in confusion, suffering severely from our artillery, which advanced as he retired. General Longstreet, anticipating the order for a general advance, now threw his whole command against the Federal center and left. \* \* \*

"I have the honor to be, very respectfully, your obedient servant.  
"R. E. LEE,  
"General.

"General S. COOPER,  
"Adjutant and Inspector-General, Richmond, Va."

[Extract from the report of General James Longstreet, October 10, 1862.]

\* \* \* "During the day Colonel S. D. Lee, with his reserve artillery placed in the position occupied the day previous by General Walton, engaged the enemy in a very severe artillery combat. The result was, as the day previous, a success. At 3:30 o'clock in the afternoon I rode to the front for the purpose of completing arrangements for making a diversion in favor of a flank movement then under contemplation. Just after reaching my front line I received a message for re-enforcements for General Jackson, who was said to be severely pressed. From an eminence near by, one portion of the enemy's masses attacking General Jackson were immediately within my view and in easy range of batteries in that position. It gave me an advantage that I had not expected to have, and I made haste to use it. Two batteries were ordered for the purpose, and one placed in position immediately and opened. Just as the fire began I received a message from the commanding general informing me of General Jackson's condition and his wants. As it was evident that the attack against General Jackson could not be continued ten minutes under the fire of these batteries, I made no movement with my troops."

[Extract from report of General Jackson of operations from August 15 to September 5, 1862.]

"HEADQUARTERS SECOND CORPS, A. N. V., April 27, 1863.

"GENERAL: After some desultory skirmishing and heavy cannonading during the day, the Federal infantry, about four o'clock in the evening, moved from under cover of the wood and advanced in several lines, first engaging the right, but soon extending its attack to the center and left. In a few moments our entire line was engaged in a fierce and sanguinary struggle with the enemy. As one line was repulsed another took its place and pressed forward as if determined, by force of numbers and fury of assault, to drive us from our positions. So impetuous and well sustained were these onsets as to induce me to send to the commanding general for re-enforcements; but the timely and gallant advance of General Longstreet on the right relieved my troops from the pressure of overwhelming numbers, and gave to these brave men the chances of a more equal conflict. As Longstreet pressed upon the right the Federal advance was checked, and soon a general advance of my whole line was ordered.

"T. J. JACKSON,  
"Lieutenant-General.

"Brigadier-General R. H. CHILTON,  
"A. A. General Headquarters Department A. N. V."

As Longstreet's army pressed forward to strike Pope's exposed left wing and flank, Warren, with his little brigade, sprang into the gap and breasted the storm until but a handful of his brave men were left alive. Then Sykes, with his disciplined brigades, and Reynolds, with his gallant Pennsylvania Reserves, seized the commanding ground in rear, and, like a rock, withstood the advance of the victorious enemy and saved the Union Army from rout.

Thus did this gallant corps nobly and amply vindicate the character of their trusted chief, and demonstrate to all the world that "disobedience of orders" and "misbehavior in the presence of the enemy" are crimes which could not possibly find place in the head or heart of him who thus commanded that corps.

These events of the 30th of August were excluded from the evidence before the court-martial that tried General Porter; but justice requires that they should be mentioned here as having an important bearing upon the question of animus which was so strongly dwelt upon in the review of Porter's case by the Judge-Advocate-General.

The foregoing is the simple history of the part taken by Porter and his corps in the events which gave rise to the following charges and specifications, findings and sentence, and executive action:

[General Orders No. 18.]

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,  
"Washington, January 22, 1863.

"I. Before a general court-martial which convened in the city of Washington, District of Columbia, November 27, 1862, pursuant to Special Orders No. 362, dated Headquarters of the Army, November 25, 1862, and of which Major-General D. Hunter, United States volunteers, is president, was arraigned and tried Major-General Fitz-John Porter, United States volunteers.

"CHARGE I.—Violation of the ninth article of war.

"SPECIFICATION FIRST.—In this: that the said Major-General Fitz-John Porter, of the volunteers of the United States, having received a lawful order, on or about the 27th August, 1862, while at or near Warrenton Junction, in Virginia, from Major-General John Pope, his superior and commanding officer, in the following figures and letters, to wit:

"HEADQUARTERS ARMY OF VIRGINIA,  
"August 27, 1862—6:30 p. m., Bristoe Station.

"GENERAL: The major-general commanding directs that you start at one o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send word to him to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary, on all accounts, that you should be here by daylight. I send an officer with this dispatch, who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks, also, that he had best run back the railroad train to this side of Cedar Run. If he is not with you, write him to that effect.

"By command of Major-General Pope.

"GEO. D. RUGGLES,  
"Colonel and Chief of Staff.

"Major-General F. J. PORTER,  
"Warrenton Junction.

"P. S.—If Banks is not at Warrenton Junction, leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately. If Banks is not at the junction instruct Colonel Clary to run the trains back to this side of Cedar Run, and post a regiment and section of artillery with it.

"By command of Major-General Pope.

"GEO. D. RUGGLES,  
"Colonel and Chief of Staff."

did then and there disobey the said order, being at the time in the face of the

enemy. This at or near Warrenton, in the State of Virginia, on or about the 28th of August, 1862.

"SPECIFICATION SECOND.—In this: that the said Major-General Fitz-John Porter, being in front of the enemy, at Manassas, Virginia, on or about the morning of August 29, 1862, did receive from Major-General John Pope, his superior and commanding officer, a lawful order, in the following letters and figures, to wit:

"HEADQUARTERS ARMY OF VIRGINIA,  
"Centreville, August 29, 1862.

"Generals McDowell and Porter:

"You will please move forward with your joint commands toward Gainesville. I send General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own the whole command shall halt. It may be necessary to fall back behind Bull Run at Centreville to-night. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops, except what I sent by his aid-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall on the enemy's flank and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts and instruct him to join the other divisions of his corps as soon as practicable. If any considerable advantages are to be gained by departing from this order, it will not be strictly carried out. One thing must be held in view: that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or the next day. My own headquarters will for the present be with Heintzelman's corps or at this place.

"JOHN POPE,

"Major-General Commanding."

which order the said Major-General Porter did then and there disobey. This at or near Manassas, in the State of Virginia, on or about the 29th of August, 1862.

"SPECIFICATION THIRD.—In this: that the said Major-General Fitz-John Porter having been in front of the enemy during the battle of Manassas, on Friday, the 29th of August, 1862, did on that day receive from Major-General John Pope, his superior and commanding officer, a lawful order, in the following letters and figures, to wit:

"HEADQUARTERS IN THE FIELD,  
"August 29, 1862—4:30 p. m.

"Major-General PORTER:

"Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves, and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

"JOHN POPE,

"Major-General, Commanding."

which said order the said Major-General Porter did then and there disobey, and did fail to push forward his forces into action either on the enemy's flank or rear, and in all other respects did fail to obey said order. This at or near Manassas, in the State of Virginia, on or about the 29th of August, 1862.

"SPECIFICATION FOURTH.—In that the said Major-General Fitz-John Porter, being at or near Manassas Junction on the night of 29th August, 1862, did receive from Major-General John Pope, his superior and commanding officer, a lawful order, in figures and words as follows, to wit:

"HEADQUARTERS ARMY VIRGINIA, IN THE FIELD NEAR BULL RUN,  
"August 29, 1862—8:50 p. m.

"GENERAL: Immediately upon receipt of this order, the precise hour of receiving which you will acknowledge, you will march your command to the field of battle of to-day, and report to me in person for orders. You are to understand that you are expected to comply strictly with this order, and to be present on the field within three hours after its reception, or after daybreak to-morrow morning.

"JOHN POPE,

"Major-General, Commanding."

"Major-General F. J. PORTER:

"And the said Major-General Fitz-John Porter did then and there disobey the said order, and did permit one of the brigades of his command to march to Centreville—out of the way of the field of battle—and thence to remain during the entire day of Saturday, the 30th of August. This at or near Manassas Station, in the State of Virginia, on the 29th and 30th days of August, 1862.

"SPECIFICATION FIFTH.—In this: that the said Major-General Fitz-John Porter, being at or near Manassas Station, in the State of Virginia, on the night of the 29th August, 1862, and having received from his superior commanding officer, Major-General John Pope, the lawful order set forth in specification 4 to this charge, did then and there disobey the same, and did permit one other brigade attached to his command—being the brigade commanded by Brigadier-General A. S. Piatt—to march to Centreville, and did thereby greatly delay the arrival of the said General Piatt's brigade on the field of the battle of Manassas, on Saturday, the 30th August, 1862. This at or near Manassas, in the State of Virginia, on or about the 29th day of August, 1862.

"CHARGE II.—Violation of the fifty-second article of war.

"SPECIFICATION FIRST.—In this: that the said Major-General Fitz-John Porter, during the battle of Manassas, on Friday, the 29th August, 1862, and while within sight of the field and in full hearing of its artillery, did receive from Major-General John Pope, his superior and commanding officer, a lawful order to attack the enemy, in the following figures and letters, to wit:

"HEADQUARTERS IN THE FIELD,  
"August 29, 1862—4:30 p. m.

"Major-General PORTER:

"Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves, and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

"JOHN POPE,

"Major-General, Commanding."

which said order the said Major-General Porter did then and there shamefully disobey, and did retreat from advancing forces of the enemy without any attempt to engage them, or to aid the troops who were already fighting greatly superior numbers, and were relying on the flank attack he was thus ordered to make to secure a decisive victory and to capture the enemy's army, a result which must have followed from said flank attack had it been made by the said General Porter in compliance with the said order which he so shamefully disobeyed. This at or near Manassas, in the State of Virginia, on or about the 29th of August, 1862.

**SPECIFICATION SECOND.**—In this: that the said Major-General Fitz-John Porter, being with his army corps on Friday, the 29th of August, 1862, between Manassas Station and the field of battle then pending between the forces of the United States and those of the rebels, and within sound of the guns and in the presence of the enemy, and knowing that a severe action of great consequence was being fought, and that the aid of his corps was greatly needed, did fail all day to bring it on to the field, and did shamefully fall back and retreat from the advance of the enemy without any attempt to give them battle, and without knowing the forces from which he shamefully retreated. This near Manassas Station, in the State of Virginia, on the 29th of August, 1862.

**SPECIFICATION THIRD.**—In this: that the said Major-General Fitz-John Porter, being with his army corps near the field of battle of Manassas on the 29th of August, 1862, while a severe action was being fought by the troops of Major-General Pope's command, and being in the belief that the troops of the said General Pope were sustaining defeat and retiring from the field, did shamefully fail to go to the aid of the said troops and general, and did shamefully retreat away, and did fall back with his army to the Manassas Junction, and leave to the disasters of a presumed defeat the said army; and did fail, by any attempt to attack the enemy, to aid in averting the misfortune of a disaster that would have endangered the safety of the capital of the country. This at or near Manassas Station, in the State of Virginia, on the 29th day of August, 1862.

**SPECIFICATION FOURTH.**—In this: that the said Major-General Fitz-John Porter, on the field of battle of Manassas, on Saturday, the 30th August, 1862, having received a lawful order from his superior officer and commanding general, Major-General John Pope, to engage the enemy's lines, and to carry a position near the center, and to take an annoying battery there posted, did proceed in the execution of that order with unnecessary slowness, and by delays give the enemy opportunities to watch and know his movements, and to prepare to meet his attack; and did finally so feebly fall upon the enemy's lines as to make little or no impression on the same, and did fall back and draw away his forces unnecessarily, and without making any of the great personal efforts to rally his troops or to keep their lines, or to inspire his troops to meet the sacrifices and to make the resistance demanded by the importance of his position, and the momentous consequences and disasters of a retreat at so critical a junction of the day.

To which charges and specifications the accused, Major-General Fitz-John Porter, United States Volunteers, pleaded as follows:

**"CHARGE I.**

" To specification first, 'Not guilty.'

" To specification second, 'Not guilty.'

" To specification third, 'Not guilty.'

" To specification fourth, 'Not guilty.'

" To specification fifth, 'Not guilty.'

" And to the charge, 'Not guilty.'

**"CHARGE II.**

" To specification first, 'Not guilty.'

" To specification second, 'Not guilty.'

" To specification third, 'Not guilty.'

" And to the charge, 'Not guilty.'

**"FINDING.**

" The court, having maturely considered the evidence adduced, finds the accused, Major-General Fitz-John Porter, of United States volunteers, as follows:

**"CHARGE I.**—Of the first specification, 'Guilty.' Of the second specification, 'Guilty.' Of the third specification, 'Guilty.' Of the fourth specification, 'Not guilty.' Of the fifth specification, 'Not guilty.' Of the charge, 'Guilty.'

**"CHARGE II.**—Of the first specification, 'Guilty, except so much of the specification as implies that he, the accused, 'did retreat from advancing forces of the enemy,' after the receipt of the order set forth in said specification.' Of the second specification, 'Guilty.' Of the third specification, 'Guilty, except the words, 'to the Manassas Junction.' Of the charge, 'Guilty.'

**"SENTENCE.**

" And the court therefore does sentence him, Major-General Fitz-John Porter, of the United States volunteers, 'to be cashiered, and to be forever disqualified from holding any office of trust or profit under the Government of the United States.'

" II. In compliance with the sixty-fifth of the Rules and Articles of War, the whole proceedings of the general court-martial in the foregoing case have been transmitted to the Secretary of War, and by him laid before the President of the United States.

" The following are the orders of the President: 'The foregoing proceedings, findings, and sentence in the foregoing case of Major-General Fitz-John Porter are approved and confirmed; and it is ordered that the said Fitz-John Porter be, and hereby is, cashiered and dismissed from the service of the United States as a major-general of volunteers, and as colonel and brevet brigadier-general in the regular service of the United States, and forever disqualified from holding any office of trust or profit under the Government of the United States.'

" January 21, 1863.

**"ABRAHAM LINCOLN.**

" III. The general court-martial, of which Major-General Hunter is president, is hereby dissolved.

" By order of the Secretary of War.

**"L. THOMAS,**

**"Adjutant-General.**

**"Official:**

**"Assistant Adjutant-General."**

These charges and specifications certainly bear no discernible resemblance to the facts of the case as now established. Yet it has been our duty to carefully compare with these facts the views entertained by the court-martial, as shown in the findings and in the review of the case which was prepared for the information of the President by the Judge-Advocate-General who had conducted the prosecution, and thus to clearly perceive every error into which the court-martial was led. We trust it is not necessary for us to submit in detail the results of this comparison, and that it will be sufficient for us to point out the fundamental errors, and to say that all the essential facts in every instance stand out in clear and absolute contrast to those supposed facts upon which General Porter was adjudged guilty.

The fundamental errors upon which the conviction of General Porter depended may be summed up in a few words. It was maintained, and apparently established to the satisfaction of the court-martial, that only about one-half of the confederate army was on the field of Manassas on the 29th of August, while General Lee, with the other half, was still beyond the Bull Run Mountains; that General Pope's army, exclusive of Porter's corps, was engaged in a severe and nearly equal contest with the enemy, and only needed the aid of a flank attack which Porter was expected to make to insure the defeat and destruction or capture of the confederate force in their front under General Jackson; that McDowell and Porter, with their joint forces, Porter's leading, had advanced toward Gainesville until the head of their column had reached a point near the Warrenton turnpike, where they found a division of confederate troops, "seventeen regiments," which Buford had counted as they marched through Gainesville, marching along the road across Porter's front, and going toward the field of battle at Groveton; that McDowell ordered

Porter to at once attack that column thus moving to join Jackson, or the flank and rear of the line if they had formed in line, while he would take his own troops by the Sudley Springs road and throw them upon the enemy's center near Groveton; that Porter, McDowell having them separated from him, disobeyed that order to attack, allowed that division of the enemy's troops to pass him unmolested, and then fell back and retreated toward Manassas Junction; that Porter then remained in the rear all the afternoon, listening to the sounds of battle and coolly contemplating a presumed defeat of his comrades on the center and right of the field; that this division of the enemy having passed Porter's column and formed on the right of Jackson's line, near Groveton, an order was sent to Porter to attack the right flank on the rear of the enemy's line, upon which his own line of march must bring him, but that he had willfully disobeyed, and made no attempt to execute that order; that in this way was lost the opportunity to destroy Jackson's detached force before the other wing of General Lee's army could join it, and that this junction having been effected during the night of the 29th, the defeat of General Pope's army on the 30th thus resulted from General Porter's neglect and disobedience.

Now, in contrast to these fundamental errors, the following all-important facts are fully established:

As Porter was advancing toward Gainesville, and while yet nearly four miles from that place and more than two miles from the nearest point of the Warrenton turnpike, he met the right wing of the confederate army, twenty-five thousand strong, which had arrived on the field that morning and was already in line of battle. Not being at that moment quite fully informed of the enemy's movements, and being then under orders from Pope to push rapidly toward Gainesville, Porter was pressing forward to attack the enemy in his front, when McDowell arrived on the field with later information of the enemy, and later and very different orders from Pope, assumed the command, and arrested Porter's advance. This latter information left no room for doubt that the main body of Lee's army was already on the field and far in advance of Pope's army in preparation for battle. General McDowell promptly decided not to attempt to go farther to the front, but to deploy his column so as to form line in connection with General Pope's right wing, which was then engaged with Jackson. To do this General McDowell separated his corps entirely from General Porter's, and thus relinquished the command and all right to the command of Porter's corps. McDowell did not give Porter any order to attack, nor did he give him any orders whatever to govern his action after their separation.

It does not appear from the testimony that he conveyed to General Porter in any way the erroneous view of the military situation which was afterward maintained before the court-martial, nor that he suggested to General Porter any expectation that he would make an attack. On the contrary, the testimony of all the witnesses as to what was actually said and done; the information which McDowell and Porter then had respecting the enemy, and the movement which McDowell decided to make, and did make, with his own troops, prove conclusively that there was left no room for doubt in Porter's mind that his duty was to stand on the defensive and hold his position until McDowell's movement could be completed. It would have indicated a great error of military judgment to have done or ordered the contrary in the situation as then fully known to both McDowell and Porter.

General Pope appears from his orders and from his testimony to have been at that time wholly ignorant of the true situation. He had disapproved of the sending of Ricketts to Thoroughfare Gap to meet Longstreet on the 28th, believing that the main body of Lee's army could not reach the field of Manassas before the night of the 30th. Hence he sent the order to Porter dated 4.30 p. m., to attack Johnson's right flank or rear. Fortunately that order did not reach Porter until about sunset, too late for any attack to be made. Any attack which Porter could have made at any time that afternoon must necessarily have been fruitless of any good result. Porter's faithful, subordinate, and intelligent conduct that afternoon saved the Union Army from the defeat which would otherwise have resulted that day from the enemy's more speedy concentration. The only seriously critical period of that campaign, namely, between eleven a. m. and sunset of August 29, was thus safely passed. Porter had understood and appreciated the military situation, and so far as he had acted upon his own judgment his action had been wise and judicious. For the disaster of the succeeding day he was in no degree responsible. Whoever else may have been responsible, it did not flow from any action or inaction of his.

The judgment of the court-martial upon General Porter's conduct was evidently based upon greatly erroneous impressions, not only respecting what that conduct really was and the orders under which he was acting, but also respecting all the circumstances under which he acted. Especially was this true in respect to the character of the battle of the 29th of August. That battle consisted of a number of sharp and gallant combats between small portions of the opposing forces. Those combats were of short duration and were separated by long intervals of simple skirmishing and artillery duels. Until after six o'clock only a small part of the troops on either side were engaged at any time during the afternoon. Then about sunset, one additional division on each side was engaged near Groveton. The musketry of that last contest and the yells of the confederate troops about dark were distinctly heard by the officers of Porter's corps; but at no other time during all that afternoon was the volume of musketry such that it could be heard at the position of Porter's troops. No sound but that of artillery was heard by them during all those hours when Porter was understood by the court-martial to have been listening to the sounds of a furious battle raging immediately to his right. And those sounds of artillery were by no means such as to indicate a general battle.

The reports of the 29th and those of the 30th of August have somehow been strangely confounded with each other. Even the confederate reports have, since the determination of the war, been similarly misconstrued. Those of the 30th have been misquoted as referring to the 29th, thus to prove that a furious battle was going on while Porter was comparatively inactive on the 29th. The fierce and gallant struggle of his own troops on the 30th has thus been used to sustain the original error under which he was condemned. General Porter was, in effect, condemned for not having taken any part in his own battle. Such was the error upon which General Porter was pronounced guilty of the most shameful crime among soldiers. We believe no one among all the gallant soldiers on that bloody field was less deserving of such condemnation than he.

The evidence of bad animus in Porter's case ceases to be material in view of the evidence of his soldierly and faithful conduct. But it is our duty to say that the indiscreet and unkind terms in which General Porter expressed his distrust of the capacity of his superior commander cannot be defended. And to that indiscretion was due, in a very great measure, the misrepresentation of both his motives and his conduct and his consequent condemnation.

Having thus given the reasons for our conclusions, we have the honor to report, in accordance with the President's order, that, in our opinion, justice requires at his hands such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Major-General Fitz-John Porter, and to restore him to the positions of which that sentence deprived him—such restoration to take effect from the date of his dismissal from service.

Very respectfully, your obedient servants,

J. M. SCHOFIELD,

Major-General United States Army.

ALFRED H. TERRY,

Brigadier-General United States Army.

GEO. W. GETTY.

Brevet Major-General United States Army, Colonel Third Artillery. which said report your committee beg leave to incorporate in this, the report of your committee, as a part thereof, and fully concurring therein, they have deemed

it a further duty as a proper measure of relief in the premises, to present herewith the accompanying bill and recommend the passage thereof.

W. M. A. J. SPARKS, *Chairman.*

G. G. DIBRELL,

EDWD. S. BRAGG,

J. E. JOHNSTON,

WM. E. SMITH,

BENJAMIN LE FEVRE,

C. UPSON,

*Members of the Committee.*

Mr. McCook submitted the following as the views of the minority:

The minority of the Committee on Military Affairs submit the following report, giving some of the reasons why they cannot approve and support House bill No. 2976. That bill, which meets with the approval of the majority, sets aside and revokes the findings of the court-martial by which Fitz-John Porter was cashiered, on the grounds that the findings and sentence "were based in error, and without due knowledge of the facts in the case." It also restores him to the service of the United States, with all the rank and privileges to which he would have been entitled had there been no court. It creates the new and, so far as we know, heretofore unknown position of supernumerary colonel for him, to be held by him until a vacancy occurs, when he is to be regularly assigned; and it gives him the retired pay of a major-general and colonel, amounting, in the aggregate, to the enormous sum of between fifty and sixty thousand dollars.

All this, as the majority say, because he has had a wrong done him, because he has been deprived of the rights of citizenship upon unfounded charges, and because he has been at great expense in vindicating his character and conduct as an officer and soldier from the disgrace and obloquy cast upon him. To each and every one of these assertions the minority of your committee object, and from the conclusions drawn and the bill itself they dissent.

It is with great regret and a very considerable degree of embarrassment that they find it necessary to do so. Regret, because no one can read unmoved the appeals of General Porter; and embarrassment, because the majority have adopted as the basis of their report the finding and recommendation of the board of officers convened by the President of the United States in June, 1878. That board was composed of three distinguished officers of the Army—two graduates of the Military Academy—and naturally, perhaps, its report is entitled to weight. Notwithstanding this the minority of your committee, in the discharge of the duty imposed upon them, do not hesitate to antagonize the findings of the board, and to express the opinion that they were based largely upon evidence not fairly or properly applicable to a correct determination of the case.

At all events, the record shows that although the board was convened by the President in order that "he might be fully informed of the facts of the case," the information given by it only satisfied him—to quote his language—"that he ought to lay the proceedings and conclusions before Congress." In this shape and in this manner it has reached the Committee on Military Affairs, and with a clear understanding of the apparent presumption of the non-professional and ex-volunteer mind criticising the conclusions of a board of regular officers, we have the honor to submit the following:

In August, 1862, Fitz-John Porter was a major-general of volunteers, colonel and brevet brigadier-general in the Regular Army, and in command of the Fifth Army Corps. For certain alleged offenses he was tried and convicted by a court-martial and sentenced to be cashiered, and on the 21st of January, 1863, the sentence was approved by Abraham Lincoln, then President of the United States. In this connection it is proper to state that the appeal made by Porter to President Lincoln in August, 1863, for a reopening of the case was disregarded, as were the subsequent ones to President Johnson in 1867 and to President Grant in 1869. The charges upon which General Porter was tried were violation of the ninth and fifty-second articles of war, the punishment for which was death, or such other penalty as a court-martial might inflict. Generally speaking, they provide for the punishment of any officer or soldier who disobeys the command of his superior officer, or for the punishment of any officer or soldier who misbehaves himself in the presence of the enemy.

On these charges General Porter was found guilty, was cashiered, and forever disqualified from holding any office of profit or trust under the Government of the United States. His trial was held within a few months of the battle of Manassas, and when witnesses who were present on the side of the national forces were easily obtained. The movements of the armies were fresh in the minds of those interested; the court was composed of men eminent in their profession, six of them graduates of West Point, some intimate personal friends of the accused, and some have become equally eminent in civil life; and nothing has been shown to convince us that they were not honestly anxious to do justice in accordance with their oaths, without partiality, favor, or affection. Porter himself made no objection to the detail of the court, and, in addressing it, said, "Yourselves most, if not all, have known me well."

The proceedings lasted for forty-five days, and many witnesses appeared before it, including Generals Pope, McDowell, Heintzelman, Morell, Griffin, Reynolds, Sykes, Butterfield, and Buford, who commanded corps, divisions, and brigades on the days of the 27th, 28th, 29th, and 30th of August, 1862. In addition, the court had the benefit of the testimony of Generals McClellan, BURNside, Parke, and others, who were not present in the action, but were conversant with some of the facts connected with it, and the accused was represented by distinguished counsel. After a patient investigation the court reached its conclusions, and the minority of your committee, after as careful an examination of the proceedings as possible under the circumstances, do not hesitate to say that they fail to see how from the evidence the court could have determined otherwise. At the time, and perhaps since, efforts were made to make it appear that some scapegoat was necessary for the disasters of that most disastrous campaign. Then, and possibly since, suggestions were made that Porter's trial was a persecution, that it was partisan or political, and that perhaps some one else was aimed at through him. Assertions like these, to which more or less publicity was given by the press, attracted much attention to the case, and in consequence it has been loaded down by all sorts of criticisms reflecting upon many distinguished men, and, in our judgment, foreign to its merits.

The minority of your committee at the outset express no opinion in regard to the wisdom of many or any of General Pope's movements from the time when he assumed command of the Army of Virginia until he relinquished it. Neither do they deem it at all necessary that they should express any opinion in regard to his competency for the place to which the President had called him. Competent or incompetent, he was there by proper authority, and he was General Porter's lawful superior from the time he reported to him for duty. The orders he issued to Porter he had the right to issue, and he also had the right to expect that they would receive unquestioning and cheerful obedience. Almost from the time when Porter disembarked at Aquia Creek and marched from there to the Rappahannock, and until after the battle of Manassas, he kept up a correspondence with General BURNside then and until he reported to Pope, his superior officer. Many, perhaps all, of these dispatches are published in part 1 of Senate Ex. Doc. 37, Forty-sixth Congress; and we invite attention to them to show the spirit in which he received orders, statements, and explanations from him. Complaining, doubting, faultfinding, and critical, they indicate very clearly an utter want of confidence in General Pope and a determination to sit in judgment upon him, his orders,

and his acts. Loyalty to his chief, in the sense that he was to give a cheerful if not an eager obedience and support to him, there was none; but, on the contrary, he manifested so querulous a disposition that even the board which apologizes for him find him censurable in this respect. (See paragraph III, page 25, report of board of officers.) That he disobeyed positive orders is undeniable, and that he rendered himself amenable to the same strict rule and letter of the law that he was constantly applying to his chief is, in our opinion, equally undeniable.

The excuse or justification for his disobedience is set forth fully in the report of the board, now adopted as the report of the majority of your committee; and its refutation in detail will require more time and space than can be given in this report. Largey, if not exclusively, the board relies for their conclusions, in regard to the second charge especially, upon testimony gathered from confederate sources since the suppression of the rebellion, to show that on the 29th of August, 1862, Fitz-John Porter deserved well of the Republic by not attacking on or near the Gainesville road. Such an attack, they say, would have been not only a "great blunder," but a "great crime;" failure to attack "saved the Union Army from disaster on that day," and "his conduct was obedient, subordinate, faithful, and judicious."

With deference to this distinguished board, the minority report that those are questions for discussion; that they will be prepared to discuss them before the House and the country at the proper time; and that they believe they can establish by evidence that on that day (the 29th of August, 1862) Fitz-John Porter's conduct was not "obedient," was not "faithful," was not "judicious." They further say that they do not believe that the proper rule by which to judge Fitz-John Porter's conduct is the one that permits the subsequent testimony and statements of confederate officers to be used to establish his innocence. What he must be held responsible for, in our opinion, is, what he knew at the time, not what he has discovered since from confederate sources. We do not question the right of General Porter to introduce this newly-discovered evidence before the board of officers, because the terms of the order convening it authorizes him to do so; but we do emphatically dissent from the opinion that confederate testimony is not only to acquit Fitz-John Porter and restore him to his former rank in the Army, but to convict the court which tried him.

On the 29th of August he had no information, so far as we can discover, beyond what other Federal officers had of the character of the force confronting him. What he did know, however, was that he was ordered to "push toward Gainesville;" that subsequently he was ordered in express terms to attack; that he failed to do so, and he had the serious problem presented to him throughout the greater part of the day of remaining inactive within striking distance of the enemy, while the thunder of the guns near Groveton indicated serious work between the enemy and his comrades, but three miles distant on his right. Even if it be admitted that the confederate testimony and confederate reports are to determine the right or the wrong of the action of a Union corps commander on the day of battle, or in the presence of the enemy, and they are to be made the foundation for his restoration to the Army and the receipt of a large money award, we deny that those reports are so unanimous or so pertinent as to warrant the conclusions of the board, and of the majority of your committee. (See confederate General Lee, Hill, Longstreet, and Stewart's report, and others.)

The reference by the board of officers to the action of Porter and his command on the 30th of August, in order, as they state, "to fully understand the case," is, in the opinion of the minority, not only foreign to it, but wholly out of place. His presence on the battle-field on that day was in consequence of a peremptory order, issued in terms so direct and distrustful that it clearly expressed the opinion of his superior officer that he had signally failed in his duty on the 29th. No discretion was possible under it, but the board do not hesitate to say that at first sight it would appear that in his prompt and unhesitating movement under this order General Porter committed a "grave fault." They assume that upon its receipt he was on what they are pleased to call the "field of battle," confronting the enemy "in force," and "holding a position of vital importance to the security of Pope's army." That he was not on the field of battle in the sense sought to be conveyed by the board is shown not only by testimony of witnesses, but by the absence of the usual results of a battle—the record of the killed and wounded in his command. That he was confronting the enemy is true, but the battle had been going on for the greater part of the day, some three miles from him on the right, while he remained inactive, or substantially so, confronted by a force that, outside of confederate sources, we have no reason to believe was large or dangerous. Until the arrival of McDowell, at about twelve o'clock, communicating the dispatch of Buford that seventeen regiments and a battery had passed "through Gainesville up thepike toward Centreville," there was nothing to show the presence of anything but cavalry in Porter's vicinity, and it was not until three o'clock that the officer in command of the skirmishers announced the presence of a large force in the front. At no time during the day was a reconnaissance in force made or a vigorous effort to develop his strength, and it is mere guess-work to say that the forces reported by Buford passed down the road toward Manassas and in the direction of Porter.

Notwithstanding the conviction that forced itself upon the board, that Porter very nearly committed a "grave fault" in obeying the order dated at 8.30 on the night of the 29th, they do, however, conclude that nothing remained but for him to obey. They also assert that the action of the Fifth Corps, on the 30th of August, amply vindicated the character of its chief, and showed to the world that "disobedience of orders" and "misbehavior in the presence of the enemy" could not possibly have found any place in the head or heart of its commander. To this view of the case the minority of your committee also dissent.

The gallant behavior of the Fifth Corps on the 30th did not " vindicate" either the head or the heart of its commander for his conduct on the previous day; but it did vindicate and illustrate the high qualities of the Union soldier, the patient rank and file of the Army, who never failed their superiors, and whose patriotism, devotion, and courage are about the only redeeming features of those disastrous days. They fought as they always had fought when the opportunity was given them—well. They died as their comrades had died in the Peninsula, without complaint or repining, and they neither criticised the order, nor were "surprised" at the order, nor hesitated about the order that pushed them against the deadly rifles of the confederate soldier. They obeyed orders loyally.

For all the purposes of determining the guilt or innocence of Fitz-John Porter on the 29th, his conduct on the 30th has, in our opinion, no more pertinence than had his conduct at Mechanicsville or Malvern Hill. Indeed, it is more than probable that at last, realizing the awkwardness of the position in which he had placed himself by his singular conduct since reporting to Pope, he found it necessary to display more than ordinary zeal and energy when fighting under his immediate and personal command. Whatever his motives, he deserves credit for what he did on the 30th of August; for what he did, or rather did not, on the 29th of August, he deserved censure and punishment; but certainly his action on the second day cannot be made to justify and explain away his conduct on the first, though a distinguished board says it should.

The board of officers also seem to be of the opinion that the actions of the 29th and 30th have been confounded by nearly every one but themselves. To use their own expression, "General Porter was in effect condemned for not having taken any part in his own battle." On this also the minority beg leave to report that they join issue with the board. No one who follows the movements of Porter's corps from the 27th to the night of the 30th can possibly mistake its positions on the important days of the 29th and 30th, or confound it in any way with other troops. The statement made by the board, "that the reports referring to the 30th have been misquoted as referring to the 29th, thus to prove that a furious battle was going on while Porter was comparatively inactive on the 29th," is, in our opinion,

not sustained by the facts. In our opinion it is established by official reports made immediately after the battle, as well as by the testimony of witnesses, that a battle of serious proportions was in progress during the greater part of the 29th; the firing swelling and increasing in volume toward the middle of the afternoon.

Every Union official report which we have examined speaks of the early hour at which fighting began on the 29th, of its duration and its fierceness. Not one of the officers from whom we shall quote fails to distinguish between the two days, keeping them clearly separate and apart; and not one, in speaking of the action of the 29th, refers even indirectly to the presence of Porter either in their front, their rear, or on their flank. They all, however, or nearly all, mention the action of his corps on the 30th, and in every case the narrative of the two days is continuous, intelligent, and easily followed. We quote from volume VI, Official Military Reports of the Rebellion, Adjutant-General's Office, and we desire to call attention to the fact that some were written almost on the battle-field, and all, perhaps, within a month of the action.

General Siegel, commanding the first corps, says: "In the course of about four hours, from 6.30 to 10.30 in the morning, our whole infantry force, and nearly all our batteries, were engaged with the enemy." At the last hour "the enemy threw forward masses of troops which were driven back by troops of Milroy and Schurz." Schenck's division was then engaged and the enemy was trying to turn the left. "At this critical moment General Kearney arrived on the field and deployed on our right, while General Reno's troops came to our support." "Scarcely were these troops in position when the contest began with renewed vigor and vehemence, the enemy attacking along our whole line from extreme right to extreme left." At twelve o'clock, he then speaks of Reynolds's troops taking position on his left, and at two o'clock of General Hooker's troops arriving on the field of battle, so that by two p. m., according to Siegel, his whole corps, with Kearney's, Reynolds's, Hooker's, and Reno's divisions were engaged. General Schurz speaks of "the fire extending along his whole line and that it became lively." This was before ten o'clock; for at that hour he speaks of Kearney's arrival on the field. Schenck, division commander, states "that before one or two o'clock all his brigades were engaged." General Heintzelman, corps commander, says: "At ten a. m. reached field of battle; at eleven a. m. head of Hooker's division arrived, and General Reno an hour later; that at the request of Siegel he ordered Hooker to place one of his brigades at Siegel's disposition, then hard pressed."

Kearney, a division commander, who was killed on the 1st of September at Chantilly, wrote his report of the battle at Centreville on the 31st, but had not time to sign it. It was forwarded by General Birney, who succeeded him. That report states substantially that on the 29th, on his arrival, he was assigned to the holding of the right wing, with his left on the Leesburgh road; that during the first hours of combat, on some tired regiments falling back, General Birney, on his own accord, rapidly pushed across to give them a hand. "In the early afternoon" General Pope's order was received to send a strong force diagonally to the front to relieve the center in the woods from pressure. General Robinson's brigade with some other regiments drove forward several hundred yards, but the center of the main battle being shortly driven, my detachment was obliged to cease to advance. All this appears to have happened before five o'clock, for he says: "At five o'clock, thinking I might drive the enemy by an unexpected attack, I brought up the most of Birney's regiment, changed front to the left to sweep with a rush the line of the enemy. This was most successful. The enemy was rolled up on his right. We took no part in the fighting of the 30th."

General J. B. Carr, present secretary of state of the State of New York, says: "At two o'clock, 29th, Friday morning, received orders to march at three a. m., to support General Kearney. A march of ten miles brought us to Bull Run battlefield. About eleven a. m. was ordered into position to support a battery where the enemy was engaged with Siegel. Remaining in that position some time, was ordered to send two regiments to relieve Siegel's troops. Did so, and afterward received orders to take balance of brigade into woods, which I did about two p. m., where I at once engaged the enemy and fought him for a space of two hours, holding my position until ammunition was expended, and about four p. m. was relieved." He was in Hooker's division, and the country knows that Hooker's command, before expending its ammunition, as a rule did some fighting that was more serious than a "sharp combat."

Grover, another brigade commander, says: "Arrived on the battle-field about nine a. m. The battle had already commenced, and the brigade was temporarily placed under the orders of Siegel." At three he says he received the order to advance, which was immediately obeyed, to carry the embankment, which he did, in a charge that was, perhaps, unequalled in the history of the war. The conflict was hand to hand with bayonets and clubbed muskets, and his brigade broke in succession two lines of the enemy, but the third line swept him back. In this fierce encounter he lost out of five small regiments forty-one killed, three hundred and twenty-seven wounded, and one hundred and sixteen missing.

Even the authority referred to by the board (Gen. Robert E. Lee's report, pages 519 and 520, record of board) speaks of "the battle raging with fury," and of its continuing until nine p. m. He also says that Steuart (the cavalry officer on the right) reported the advance of a large force threatening Longstreet's right; that the brigades of Wilcox were sent to re-enforce Jones, but no "serious attack was made, and after firing a few shots the enemy withdrew." He also speaks of this demonstration as having been made on the right, while a large force advanced to assail the left, Jackson's position. The enemy which he speaks of as having made a demonstration and firing a few shots could have been no other command but that of Porter's, and Lee subsequently says that Wilcox was withdrawn from the right where he had been sent.

From this and other evidence the minority of your committee report that, in their opinion, there was much and serious fighting on the 29th, except in Fitz-John Porter's front, where there appears to have been none. Serious as it was, and reaching the dignity of a battle, according to General Lee, as well as many officers on the Union side, the board of officers speak of it as a number of "sharp and gallant combats between small portions of the opposing forces." From the best evidence we can gather, Siegel with his corps was engaged on the 29th. Heintzelman with Hooker's and Kearney's divisions were engaged on the 29th. Reno and Stevens's divisions were engaged on the 29th. Reynolds and part of King's were engaged on the 29th, and, in fact, all the available forces were in action on that day except Porter's command and Ricketts's division. How long "intervals" there were between the fighting we cannot say; but, judging from the reports of officers engaged, they were neither frequent nor prolonged; and unless those who made them are much mistaken, there was a long list of killed and wounded on the 29th.

When the board predicts the disastrous consequences that would have followed an attack by Porter at any time after the early afternoon, they enter the field of speculation. There we shall not follow them, but we simply call attention to the reports (page 519, board record, report of General Lee) from confederate sources, which show that the mere appearance of the head of Porter's column was so threatening that General Lee detached a division to meet it. Who can predict the result had a powerful and well-sustained attack been made by eight thousand or ten thousand men, at any time during the day, on the Gainesville road? On this point we wish to call attention to the opinion of a careful military historian—the author of, perhaps, the best history of our civil war that has been written. With ample facilities to inform himself, and so situated that he can and does write without prejudice or passion, the Compte de Paris, in volume 2, page 292, of his history, says:

"His (Porter's) attack, therefore, could not have produced the results upon which the commander-in-chief had counted. But neither the impossibility of executing to the letter the order of the latter, nor even the instructions which Mc-

Dowell may have given him during the day, afford any excuse for his having remained so long inactive in the presence of the enemy, with two fine divisions, while a great battle was being fought in his vicinity. In short, if the road he had to follow was barred against him—if, therefore, he could not cut the enemy's army in two and secure its defeat—it is equally certain that a vigorous attack made by him upon Longstreet's right would have drawn out all the forces of this general, and, by freeing the rest of the Union line, would probably have prevented the reverse which the latter sustained at the close of the day. We cannot avoid, therefore, blaming his inaction at such time and under such circumstances."

"This indifference on the part of Porter to the cannon's appeal, the manner in which he interpreted the orders of superiors, and the tardiness with which these orders reached him, were the inevitable consequences of the confusion we have already referred to in the general movement of the army."

This is the deliberate opinion of a disinterested writer, who, while he accepts the board's theory that Longstreet was up within supporting distance of Jackson early in the day, still censures in distinct terms the inaction of Porter. Whatever may be the action of Congress on the bill now before it, that this will be the verdict of history the minority of your committee certainly believe.

The minority concede that if the Government does injustice to one of its citizens it should make reparation, but in this case, in their opinion, no injustice has been done. Notwithstanding this, they have concluded to recommend to the House the passage of a joint resolution removing so much of Fitz-John Porter's sentence as prohibits him from holding any office of profit or trust under the Government. Its passage will give him no claim, however, upon his former rank, or upon the Treasury of the United States. Logically, perhaps, the minority should not recommend it, but when we consider that amnesty and pardon have been given to those formerly in arms against the Government, and that the removal of disabilities for offenses certainly as dangerous as his to the perpetuity of the Union are of every-day occurrence, the reasons for their action in Porter's case are obvious.

One of his complaints is that his sentence is a continuing one, and that he has been deprived of the rights of citizenship. The passage of the resolution will remove these disabilities, and enable him to remit the whole question to the people, or to some other tribunal than Congress. It is, in our opinion, quite clear that he should not be restored to his former rank in the Army, and that he should not receive the retired pay, amounting to \$50,000 or \$60,000, provided in the bill for his relief; but his restoration to the rights of citizenship is an act of grace and clemency that the Government can do without in any way manifesting its disapproval of the findings and sentence of the court-martial that tried and convicted him. There were periods of his life when his services were of value to his country, and it is but fair, perhaps, that they should be considered now in determining his case; but that they should go to the extent of the relief proposed by the majority would be, in our opinion, unwise, inexpedient, and unjust.

ANSON G. MCCOOK.  
B. F. MARSH.  
THOMAS M. BROWNE.

Whereas the President has laid before Congress the proceedings and report of a board of Army officers convened in the case of Fitz-John Porter, for such action as may be deemed expedient and just: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is requested to remit the remainder of the unexecuted sentence which disqualifies Fitz-John Porter from holding any office of trust or profit under the Government of the United States.

MR. BREWER. I move that the House do now adjourn.

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

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ATKINS: The petition of Francis L. Dyer, for a pension—to the Committee on Revolutionary Pensions.

By Mr. CALDWELL: A bill to amend the post-route from Glasgow to Scottsville, Kentucky, so as to include the post-office at Bruce, Kentucky—to the Committee on the Post-Office and Post-Roads.

By Mr. CAMP: The petition of soldiers of the late war, for additional pay—to the Committee on Military Affairs.

Also, the petition of soldiers of the late war, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. CRAPO: The petitions of Orlando G. Robinson, of New Bedford, and others, and of George L. Thayer, of Boston, Massachusetts, that claimants who recovered judgments in the court of commissioners of Alabama claims shall receive 6 per cent. interest instead of 4 per cent. as awarded—to the Committee on the Judiciary.

Also, the petitions of Joseph Nickerson & Co. and others, of Boston, Massachusetts, for a further distribution of the Geneva award—to the same committee.

Also, the petition of Hiram Loring and others, of Yarmouth; of Charles A. Cook and others, of Provincetown; and of N. Weston and others, of Truro, Massachusetts, for the improvement of Scituate Harbor—to the Committee on Commerce.

Also, the petition of Michael Hayne, for a pension—to the Committee on Invalid Pensions.

Also, the petition of A. Franklyn Howland, for an increase of pension to soldiers and sailors who are totally disabled—to the same committee.

By Mr. DEUSTER: The petition of M. Audier, J. J. Race, William F. John, and 175 others, citizens of Ozaukee County, Wisconsin, for an appropriation to make the harbor of Port Washington a harbor of refuge—to the Committee on Commerce.

By Mr. DIBRELL: Memorial of a convention held at Huntsville, Alabama, January 8, 1880, in relation to the improvement of the Tennessee River—to the same committee.

By Mr. DICK: The petition of John C. Sturtevant and 125 others, of Crawford County, Pennsylvania, for an amendment to the Constitution of the United States investing Congress with the right to regulate suffrage in the United States and giving all citizens the right to vote without any distinction founded on sex—to the Committee on the Judiciary.

By Mr. DUNNELL: The petition of Charles H. Gorgins, late of

Company B, Hatch's Independent Battalion, Minnesota Cavalry, for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. GARFIELD: The petition of James Clover and 40 other soldiers of Mendon, Ohio, for the passage of the Weaver bill relating to the pay of soldiers—to the same committee.

Also, the petition of J. W. McBride and 75 other soldiers of Char-  
don, Ohio, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. HAWK: The petition of 13 soldiers of Crawford and Jasper Counties, Illinois, for justice in the payment for services rendered while in the Army—to the Committee on Military Affairs.

Also, the petition of 18 soldiers of Ogle County, Illinois, of similar import—to the same committee.

By Mr. HILL: The petitions of F. T. Wolsiffer and others; of David Boor and others; of A. McKinney and others; of M. Gorman and others; of C. P. Tuttle and others; of A. J. Tressler and others; of John M. Hengstler; of J. J. Levy and others; of John W. Hough and others; of W. H. Strong and others; of P. J. Shannon and others; of Paul Hager and others; of H. P. Miller and others; of A. A. Aldrich and others; of John Spangler and others, citizens of Ohio, that Congress take measures to insure water communication between the Ohio River and the great lakes—to the Committee on Railways and Canals.

Also, the petition of J. W. Helser and 50 others, citizens of Allen County, Ohio, for protection against transportation monopolies and for a regulation of freight rates on railroads—to the Committee on Commerce.

Also, the petition of J. W. Helser and 50 others, citizens of Allen County, Ohio, for an amendment to the patent laws—to the Committee on Patents.

By Mr. HOSTETLER: The petition of soldiers of Huron, Indiana, who served in the late war, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. HUMPHREY: The petition of J. J. Zimmer and other soldiers of the late war, of similar import—to the same committee.

By Mr. LAPHAM: The petition of soldiers of New York, for the passage of the Weaver bill, relating to the pay of soldiers—to the Committee on Military Affairs.

By Mr. MAGINNIS: Memorial of Harvey W. English and 20 other Mexican veterans, citizens of Montana, for the passage of a bill pensioning Mexican veterans—to the Committee on Invalid Pensions.

By Mr. McCOID: The petition of George E. Ives, to increase the pensions of soldiers who are totally disabled from any cause in the service to \$72 per month—to the same committee.

Also, the petition of Edward Johnstone, in relation to the dry-dock at Keokuk, Iowa, on the Mississippi River—to the Committee on Commerce.

By Mr. McLANE: The petition of J. Vernon Campbell, for pay for work done in the War, State, and Navy Departments building—to the Committee of Claims.

By Mr. McMAHON: The petition of numerous comrades of Philip Levesque, that he be granted a pension—to the Committee on Invalid Pensions.

By Mr. NEAL: The petition of John Ross, chief, and others of the eastern band of North Carolina Cherokee Indians, that the President of the United States be directed to execute the treaty of 1835-'36 according to article 12 of said treaty—to the Committee on the Judiciary.

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

By Mr. SAPP: The petition of soldiers of Iowa, for the passage of the Weaver bill, relating to the pay of soldiers of the late war—to the Committee on Military Affairs.

By Mr. SHERWIN: Three petitions from 101 soldiers of Illinois, of similar import—to the same committee.

By Mr. SPEER: The petition of citizens of Gwinnett County, Georgia, for the establishment of a post-route from Lawrenceville to Conyers, via Chester, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAM G. THOMPSON: The petition of 43 citizens and soldiers of Iowa, for the equalization of pay, &c.—to the Committee on Military Affairs.

By Mr. URNER: The petition of 22 members of the General Assembly of Maryland, protesting against the passage of a bill to restore Fitz-John Porter to his rank in the Regular Army and granting him pay—to the same committee.

Also, the petition of Rev. Emanuel Slifer, of Frederick County, Maryland, guardian of Janus E. Butts and Malinda F. Butts, for arrears of pensions—to the Committee on Invalid Pensions.

Also, the petition of Alfred Mase and 47 other ex-soldiers, for additional pay—to the Committee on Military Affairs.

Also, the petition of C. E. H. Koppioch, and 58 other ex-soldiers, for the passage of a bill equalizing bounties—to the same committee.

By Mr. WAIT: The petition of the Grand Temple of Honor and Temperance of the State of Connecticut, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. WHITTHORNE: The petition of B. W. Hopper, first sergeant United States marines, for the passage of a law giving to non-commissioned officers of the United States Marine Corps the oppor-

tunity for promotion to the rank of second lieutenant in the Marine Corps—to the Committee on Naval Affairs.

By Mr. WILBER: The petition of 268 citizens of New Berlin, Chenango County, New York, that the proceedings of Congress shall be published in newspaper form throughout the year and a copy sent free to each family in the United States, that they may receive a portion of said proceedings every week—to the Committee on Printing.

By Mr. CHARLES G. WILLIAMS: Papers relating to the claim of John Whitaker for pay for property taken for the use of the Government at Port Huron, Michigan, in 1870—to the Committee of Claims.

By Mr. WILSON: The petition of J. M. Reed and others, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of R. G. Linn and others, of Calhoun County, West Virginia, urging the improvement of the Little Kanawha River by locks and dams—to the Committee on Commerce.

## HOUSE OF REPRESENTATIVES.

FRIDAY, January 23, 1880.

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

The Journal of yesterday was read and approved.

SAMUEL BURWELL.

Mr. HAYES, by unanimous consent, introduced a bill (H. R. No. 3772) granting a pension to Samuel Burwell; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOEL E. CADY.

Mr. VALENTINE, by unanimous consent, introduced a bill (H. R. No. 3773) granting a pension to Joel E. Cady, of Valparaiso, county of Saunders, State of Nebraska; which was read a first and second time, and referred to the Committee on Invalid Pensions.

### RAIDS ON TEXAS BORDER.

Mr. UPSON, by unanimous consent, introduced a bill (H. R. No. 3774) to authorize the Secretary of the Treasury to ascertain and report to Congress the amount of money expended and indebtedness assumed by the State of Texas in repelling, suppressing, and guarding against invasions, raids, incursions, and hostilities by Indians and Mexicans in said State and upon its borders and in frontier defense; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN F. CLANCY.

Mr. McCOOK, by unanimous consent, introduced a bill (H. R. No. 3775) for the relief of John F. Clancy; which was read a first and second time, and referred to the Committee on Military Affairs.

### LANDS ACQUIRED IN COLLECTION OF DEBTS, ETC.

Mr. KNOTT, by unanimous consent, from the Committee on the Judiciary, reported back a communication from the Secretary of the Treasury, transmitting report in relation to lands of the United States acquired in the collection of debts and otherwise, and moved that the same, with accompanying documents, be printed and recommitted. The motion was agreed to.

### PRIVATE LAND CLAIMS IN FLORIDA, ETC.

Mr. COVERT, by unanimous consent, introduced a bill (H. R. No. 3776) to extend the provisions of the act entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes," approved June 22, 1860; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

### HEIRS OF HYACINTH ROBERT AGNEL.

Mr. COVERT also, by unanimous consent, introduced a bill (H. R. No. 3777) for the relief of the heirs and legal representatives of Hyacinth Robert Agnel, deceased, late professor of the French language, United States Military Academy, at West Point; which was read a first and second time, and referred to the Committee on Military Affairs.

JOHN H. WALKER.

Mr. COVERT also, by unanimous consent, introduced a bill (H. R. No. 3778) for the relief of John H. Walker, a captain in the United States Army; which was read a first and second time, and referred to the Committee on Military Affairs.

### OWNERS OF B. L. HODGE.

Mr. ELLIS, by unanimous consent, introduced a bill (H. R. No. 3779) for the relief of the owners of the B. L. Hodge; which was read a first and second time, and referred to the Committee of Ways and Means.

MARY A. GOURLEY.

Mr. TAYLOR, by unanimous consent, introduced a bill (H. R. No. 3780) granting a pension to Mary A. Gourley; which was read a first and second time, and referred to the Committee on Invalid Pensions.

### NARRATIVE OF POLARIS EXPEDITION.

Mr. HAYES. I am instructed by the Committee on Printing to