

By Mr. HATCH: The petition of 145 citizens of the twelfth congressional district of Missouri, for the passage of a law to protect innocent purchasers against the imposition of fraudulent vendors of patents—to the Committee on Patents.

Also, resolutions of the Merchants' Exchange of Saint Louis, favoring the abolition of the special taxes levied on bank capital, deposits, and checks—to the Committee on Ways and Means.

Also, the petition of 156 citizens of the twelfth congressional district of Missouri, for the passage of an income-tax law—to the same committee.

By Mr. HAWK: The petition of G. W. Curtis and 30 others, citizens of Jo Daviess County, Illinois, of similar import—to the same committee.

By Mr. HEILMAN: The petition of Adams Grange, Indiana, for legislation to suppress the cattle disease known as pleuro-pneumonia—to the Committee on Agriculture.

By Mr. KEIFER: The petition of R. J. Williams and 15 others, citizens of Ridgway, Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of Professor N. S. Townshend, president of the Wool Growers' Association of Columbus, Ohio, and 12 other presiding officers of similar associations throughout the United States, for the passage of the Eaton tariff-commission bill—to the Committee on Ways and Means.

By Mr. KELLEY: Memorial of the Board of Trade of Erie, Pennsylvania, favoring a harbor of refuge in Milwaukee Bay—to the Committee on Commerce.

By Mr. KETCHAM: The petition of Nelson Stalkes and 14 others, citizens of New York, for the equalization of bounties to soldiers—to the Committee on Military Affairs.

By Mr. LAPHAM: The petition of citizens of New York, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. MONROE: The petition of Walter Randall and 33 others, citizens of Lorain County, Ohio, that the Bureau of Agriculture be made a Department—to the Committee on Agriculture.

Also, the petition of the same parties, that the patent laws be so amended as to protect purchasers against fraud—to the Committee on Patents.

Also, the petition of the same parties, for the passage of a law regulating interstate commerce—to the Committee on Commerce.

By Mr. PHILIPS: The petition of citizens of the seventh congressional district of Missouri, for the passage of an income-tax law—to the Committee on Ways and Means.

Also, the petition of citizens of the seventh congressional district of Missouri, for legislation to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. RAY: The petition of Almon P. Graves, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. SAWYER: The petition of 190 citizens of Cass County, Missouri, for the passage of a law imposing a tax on incomes—to the Committee on Ways and Means.

Also, the petition of David Sharp and 190 others, citizens of Cass County, Missouri, for the amendment of the patent laws to protect innocent purchasers—to the Committee on Patents.

By Mr. SCOVILLE: The petition of Alonzo Richmond and others, for the passage of the bill to prevent the adulteration of food and drugs—to the Committee on Manufactures.

Also, the petition of Francis H. Moore and others, against the passage of the sixty-surgeons bill—to the Committee on Invalid Pensions.

By Mr. SHERWIN: The petitions of S. A. Wolcott, Hitchcock & Hayes, Charles Sabin, and P. E. Worsley, for the repeal of the tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. OTHO R. SINGLETON: The petition of citizens of Mississippi, that the Bureau of Agriculture be made a Department—to the Committee on Agriculture.

Also, the petition of citizens of Mississippi, for the passage of an interstate-commerce bill—to the Committee on Commerce.

Also, the petition of citizens of Mississippi, for the passage of an income-tax law—to the Committee on Ways and Means.

Also, the petition of citizens of Mississippi, for the amendment of the patent laws—to the Committee on Patents.

By Mr. A. HERR SMITH: Memorial of the Board of Trade of Erie, Pennsylvania, asking for a harbor of refuge in Milwaukee Bay—to the Committee on Commerce.

By Mr. TYLER: The petition of P. L. Pierce and others, farmers of Vermont, that the Bureau of Agriculture be made a Department—to the Committee on Agriculture.

By Mr. URNER: The petition of Thomas P. Robosson and 55 others, citizens of Allegany County, Maryland, for the passage of an interstate-commerce bill—to the Committee on Commerce.

Also, the petition of Dr. W. H. Perkins and 16 others, citizens and ex-soldiers, against the passage of Senate bill No. 496, relating to pensions—to the Committee on Invalid Pensions.

Also, the petition of Thomas R. Leasure and 26 others, citizens of Allegany County, Maryland, in favor of making the Commissioner of Agriculture a member of the President's Cabinet—to the Committee on Agriculture.

By Mr. VANCE: The petition of W. P. Jenkins and others, for a post-route from Ripshin, Tennessee, to Wilders, North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. WASHBURN: The petition of Daniel R. Noyes and others, members of the Chamber of Commerce of Saint Paul, Minnesota, for the passage of a law for the prevention of the adulteration of food and drugs—to the Committee on Ways and Means.

By Mr. WELLS: Resolution of the municipal assembly of the city of Saint Louis, Missouri, asking that the appropriation of \$50,000 made by act of June 14, 1880, for an ice-harbor at Saint Louis be changed to an appropriation for the improvement of the harbor of said city—to the Committee on Commerce.

By Mr. WHITTHORNE: A bill to establish a post-route from Lawrenceburgh, via Knob Creek, to Waynesborough, Tennessee—to the Committee on the Post-Office and Post-Roads.

Also, a bill to establish a post-route from Voorhies to Forty-Eight, Wayne County, Tennessee—to the same committee.

By Mr. THOMAS L. YOUNG: The petitions of W. H. Brown and 33 others; of Messrs. Schaller & Gerke and 68 other mercantile firms; and of L. A. Strobel and others, citizens of Cincinnati, Ohio, for the repeal of existing laws imposing a tax on capital and deposits of banks and bankers—to the Committee on Ways and Means.

## IN SENATE.

TUESDAY, February 8, 1881.

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

The Journal of yesterday's proceedings was read.

Mr. BOOTH. I wish to call attention to that part of the Journal which says that the regular order, on my motion, was laid aside in order to proceed to the consideration of the pension appropriation bill. The proceeding was that it was laid aside unanimously and informally; so that it maintains its place. If there is no difference in the legal interpretation, of course I do not want a change made in the Journal; but the fact was that, by unanimous consent, the pending order was laid aside informally.

The VICE-PRESIDENT. Understandings of that kind are not made part of the Journal.

The Journal was approved.

## CREDENTIALS.

The VICE-PRESIDENT presented the credentials of Philetus Sawyer, chosen by the Legislature of Wisconsin a Senator from that State for the term beginning March 4, 1881; which were read, and ordered to be filed.

He also presented the credentials of Arthur P. Gorman, chosen by the Legislature of Maryland a Senator from that State for the term beginning March 4, 1881; which were read, and ordered to be filed.

## EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, transmitting, in compliance with the act of March 3, 1879, the report of the National Board of Health for the quarter ending December 31, 1880, and also the report of the operations of the board for the year 1880; which was ordered to lie on the table, and be printed.

He also laid before the Senate a letter from the Secretary of the Navy, recommending an appropriation to meet the expenses incident to the unveiling of the statue of Admiral Farragut on the 25th of April next; which was referred to the Committee on Appropriations.

He also laid before the Senate a letter from the Secretary of the Interior, transmitting a letter from the Superintendent of the Census, requesting an appropriation for the rent of additional buildings in Washington for the use of the Census Bureau; which was referred to the Committee on Appropriations.

## PETITIONS AND MEMORIALS.

Mr. PLUMB presented the memorial of E. W. Harris and others, of Kansas, soldiers of the war of the rebellion, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims and all the amendments thereto; which was ordered to lie on the table.

Mr. RANDOLPH presented the petition of B. F. Howell and 200 others, citizens of Morristown, New Jersey, praying for the repeal of the law levying a tax on the deposits of national banks, and also the abolishment of the use of the two-cent stamp on checks and drafts; which was referred to the Committee on Finance.

Mr. BALDWIN presented the memorial of Lewis Gordon and others, of Tompkins Center, Michigan, soldiers of the war for the Union, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims and the amendments thereto; which was ordered to lie on the table.

He also presented resolutions of the State Association of Agricultural Societies of Michigan, in favor of the establishment of a Bureau of Agriculture, and that the Commissioner be made a Cabinet minister; which were referred to the Committee on Agriculture.

He also presented a resolution of the same body, praying the enactment of a law for the suppression and eradication of contagious diseases of live stock; which was ordered to lie on the table.

He also presented a joint resolution of the Legislature of Michigan, in favor of an appropriation for securing an efficient harbor at New

Buffalo, Berrien County, in that State; which was referred to the Committee on Commerce.

Mr. WINDOM presented a memorial of the Legislature of Minnesota, favoring an appropriation for the speedy construction of reservoirs on the headwaters of the Mississippi River and its tributaries; which was referred to the Committee on Commerce.

Mr. GROOME presented the petition of J. Frank Turner and others, of Talbot County, Maryland praying for an appropriation for the improvement of Skipton Creek, in that county; which was referred to the Committee on Commerce.

Mr. FERRY presented a resolution of the convention of State agricultural societies of Michigan, praying for the establishment of a department of agriculture the head of which shall be a Cabinet officer; which was referred to the Committee on Agriculture.

He also presented a resolution of the same body, praying the enactment of a law for the suppression and eradication of contagious diseases of live stock; which was ordered to lie on the table.

He also presented a joint resolution of the Legislature of Michigan, in favor of an appropriation for securing an efficient harbor at New Buffalo, Berrien County, in that State; which was referred to the Committee on Commerce.

Mr. ALLISON. I present the memorial of J. F. McCurtain, principal chief of the Choctaw Nation, calling the attention of Congress to the violation by Congress of the various treaties with that nation, and asking that proper legislation may be had.

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

Mr. ALLISON. The subject relates to what is known as the Choctaw claim. I believe that is under consideration by the Judiciary Committee.

Mr. DAVIS, of Illinois. It is.

Mr. ALLISON. If so, I ask that the memorial be referred to that committee.

Mr. GARLAND. Is the memorial from the chief of the nation?

Mr. ALLISON. It is from the chief of the nation and under the seal of the nation.

Mr. GARLAND. I ask, then, that it be printed.

The VICE-PRESIDENT. The memorial will be printed and referred to the Committee on the Judiciary.

Mr. McMILLAN presented a joint resolution of the Legislature of Minnesota, favoring the passage of a law by Congress granting a pension, or some other relief, to Captain John Nix, of Brown County, in that State; which was referred to the Committee on Pensions.

Mr. CONKLING presented the petition of a committee of the Association of the Bar of the City of New York, praying that the salaries of United States judges in the State of New York be increased; which was referred to the Committee on the Judiciary.

He also presented the petition of William H. Warner and others, citizens of Syracuse, New York, surviving soldiers of the war for the Union, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. WILLIAMS presented the memorial of Isaac Holt and others, citizens of various parts of Kentucky, soldiers of the late war, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. VOORHEES, from the Committee on Finance, to whom was referred the bill (H. R. No. 5389) for the relief of Samuel Harper, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BAYARD, from the Committee on Finance, to whom was referred the petition of Joseph A. Shakspeare, mayor of the city of New Orleans, asking that the use of the marine hospital in New Orleans be granted to that city for the reasons set forth, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

He also, from the Committee on Finance, to whom was referred the bill (S. No. 2151) to restore certain articles of silverware to Mrs. Isabella S. McRae, reported it without amendment.

Mr. WALKER, from the Committee on Public Lands, to whom was referred the bill (S. No. 273) to extend the provisions of an act approved March 2, 1855, entitled "An act for the relief of purchasers and locators of swamp and overflowed lands, and for other purposes," reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BURNSIDE. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. No. 745) for the relief of Major James Belger, to report it adversely and to ask to be discharged from its further consideration. I am also instructed to say that this decision was arrived at by a divided committee.

Mr. MAXEY. I ask that the bill be placed upon the Calendar. The committee is divided upon the case.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. LOGAN. I am instructed by the Committee on Military Affairs to report back the bill (S. No. 1555) to fix the rank of certain

retired officers of the Army, unfavorably. I have been requested by a member of the committee to say that he would be pleased to have it go upon the Calendar, to which I have no objection.

The bill was placed on the Calendar with the adverse report of the committee.

Mr. BRUCE. The Committee on Education and Labor, to whom was referred the joint resolution (S. R. No. 92) to provide for the enforcement of the eight-hour law, have instructed me to report it adversely. I desire to say that I do not concur with the conclusion of the majority of the committee.

The joint resolution was postponed indefinitely.

Mr. WALLACE, from the Committee on Finance, to whom was referred the bill (H. R. No. 346) for the relief of William H. Thompson, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WHYTE, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 2083) amending sections 1418, 1419, and 1420 of the Revised Statutes, reported it with an amendment.

#### CHILDREN OF JAMES M'KNATT.

Mr. BAYARD. I am instructed by the Committee on Finance, to whom was referred the bill (S. No. 1987) for the relief of John H. Schabinger, guardian of Susan McKnatt and Martha McKnatt, minor daughters of James McKnatt, deceased, to report it favorably and without amendment. I desire to ask for that bill its present consideration.

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

The bill directs the agent for paying pensions at Washington to issue a duplicate check, and the Treasurer, assistant treasurer, or designated depository of the United States upon whom the same may be drawn to pay such duplicate check, for the sum of \$1,001, in favor of John H. Schabinger, guardian for Susan McKnatt and Martha McKnatt, minor daughters of James McKnatt, deceased, late a private in Company B of the Fourth Regiment of Delaware Volunteers, war of 1861, in the same manner and upon the same terms and conditions as provided in section 3646 of the Revised Statutes of the United States in case of lost checks not exceeding in amount the sum of \$1,000.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I should like to have the Senator from Delaware state, so that it will go into the RECORD, as there is no written report, what are the circumstances of this case.

Mr. BAYARD. By existing law, where a check to the amount of a thousand dollars is lost in the mail, the Department may issue a duplicate upon certain sureties being taken, with bond and the like provided for by the section of the Revised Statutes referred to in the bill, where the amount does not exceed \$1,000. In this case the amount was \$1,001, and the original having been issued the law forbade them to issue a duplicate. It was the excess of a single dollar that prevented the Department from issuing a duplicate and taking bond in the form prescribed by law, which is required by the present bill.

Mr. EDMUNDS. What has become of the old check? I think every Senator understands what the law is but what I should like to know, as there is no report, is what became of the check that was issued. What is the evidence of its loss?

Mr. BAYARD. It was lost in the mail. This is the provision of section 3646 of the Revised Statutes:

Whenever any original check is lost, stolen, or destroyed, disbursing officers and agents of the United States are authorized, after the expiration of six months, and within three years from the date of such check, to issue a duplicate check; and the Treasurer, assistant treasurers, and designated depositories of the United States are directed to pay such duplicate checks, upon notice and proof of the loss of the original checks, under such regulations in regard to their issue and payment, and upon the execution of such bonds, with sureties, to indemnify the United States, as the Secretary of the Treasury shall prescribe. This section shall not apply to any check exceeding in amount the sum of \$1,000.

As the check which was lost unfortunately was for a thousand and one dollars the Department could not issue a duplicate, which of course must be a counterpart, without the authority of Congress.

Mr. EDMUNDS. How long ago was it lost?

Mr. BAYARD. I think the date was about a year and a half ago. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SCHOONER A. SCOTT BROWN.

Mr. RANSOM. I am instructed by the Committee on Commerce, to whom was referred the bill (S. No. 1823) granting an American register to the schooner A. Scott Brown, to report it without amendment and with the recommendation that it pass, and I file with the papers a letter from the Secretary of the Treasury recommending its passage. I call the attention of the Senator from Pennsylvania on my left [Mr. WALLACE] to the fact.

Mr. WALLACE. I ask unanimous consent to take up and pass the bill.

Mr. EDMUNDS. I want to ask consent to take up and consider a bill that was reported on the 26th of January.

Mr. WALLACE. If the Senator objects, I withdraw my request.

Mr. EDMUNDS. I do not object. I only want to find out what are the principles of fair play on which we are to proceed. If it is the bad luck of a little relief bill for a poor widow to have been reported some days ago instead of being reported to-day, I want to ask



my friend from Wisconsin [Mr. CAMERON] who reported it to ask to have it recommitted so that he can report it again. I do not object this morning. I only put in an appeal for those who have been so unlucky as to have had their reports made earlier.

The VICE-PRESIDENT. The bill will be read and objections reserved.

The Chief Clerk read the bill (S. No. 1823) to grant an American register to the schooner A. Scott Brown; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. EDMUNDS. What are the facts about it?

Mr. WALLACE. Let the letter from the Department be read.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, February 7, 1881.

SIR: A bill (S. No. 1823) has been brought to my notice authorizing the issue of a register to the schooner Wacona, under the name of A. Scott Brown, built in Canada, and now owned, as is alleged, by an American citizen.

This is one of the barges that were purchased by American citizens in the expectation of being employed under the act of June 30, 1879. A decision of the Attorney-General compelled the levying of an alien tonnage tax on this class of barges, and thus defeated the operation of the act in their benefit.

Under the circumstances I think this vessel should be admitted to registry.

Very respectfully,

JOHN SHERMAN,  
Secretary Treasury.

Hon. WILLIAM A. WALLACE, United States Senate.

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

#### AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. CAMERON, of Wisconsin. I ask unanimous consent to take up the bill (S. No. 2094) for the relief of George W. Flood, the bill referred to by the Senator from Vermont. It will not take a moment to have it passed.

Mr. HARRIS. I rise to morning business.

The VICE-PRESIDENT. The Chair must first receive morning business.

Mr. HARRIS, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the bill (H. R. No. 7035) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF FISH COMMISSIONER.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred the joint resolution (H. R. No. 372) authorizing the Public Printer to print reports of the United States Fish Commissioner upon new discoveries in regard to fish-culture, to report it without amendment and recommend its passage, and I ask for its present consideration.

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

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

#### BILLS INTRODUCED.

Mr. CONKLING asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2162) correcting the pension granted to Lieutenant George W. Graham, One hundred and forty-fourth Regiment New York Volunteers, in accordance with his rank; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BROWN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2163) for the relief of W. A. Reid; which was read twice by its title, and referred to the Committee on Claims.

Mr. WHYTE. Some time ago I introduced a joint resolution which upon inspection I find was either inaccurately printed or inaccurately copied. Therefore I wish to introduce a correct one of the same character, and ask its reference to the Committee on Claims.

By unanimous consent, leave was granted to introduce a joint resolution (S. R. No. 154) providing for the ascertainment and payment of the claim of the legal representatives of Walter H. Stevens, deceased; which was read twice by its title, and referred to the Committee on Claims.

#### SOLDIERS' REUNION AT LINCOLN, NEBRASKA.

Mr. SAUNDERS asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 152) granting the use of artillery, tents, &c., to be used at the soldiers' reunion to be held at Lincoln, Nebraska, in the month of September, 1881; which was read the first time by its title.

Mr. SAUNDERS. I ask for the immediate consideration of the joint resolution.

The PRESIDENT *pro tempore*. The joint resolution will be read at length, and objections reserved.

The joint resolution was read the second time at length.

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

Mr. EDMUNDS. I should like to ask the Senator from Nebraska whether we did not pass an act upon that subject at the last session?

Mr. SAUNDERS. That was for the last year, and there is another reunion for this year, to be held next September.

Mr. EDMUNDS. I would suggest whether it would not be well to make a standing law for Nebraska in order to avoid this special legislation.

Mr. SAUNDERS. I would have no objection to that.

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

#### PROHIBITION OF INTOXICATING LIQUORS.

Mr. BLAIR asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 153) proposing an amendment to the Constitution of the United States; which was read the first time by its title.

Mr. BLAIR. I ask that that joint resolution be read at length.

The joint resolution was read the second time at length, and referred to the Committee on the Judiciary, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid when ratified by the Legislatures of three-fourths of the several States as provided in the Constitution:*

#### ARTICLE —.

SEC. 1. From and after A. D. 1900, the manufacture and sale of distilled alcoholic intoxicating liquors, or alcoholic liquors any part of which is obtained by distillation or process equivalent thereto, or any intoxicating liquors mixed or adulterated with ardent spirits, or with any poison whatever, except for medicinal, mechanical, chemical, and scientific purposes and for use in the arts, anywhere within the United States and the Territories thereof, shall cease; and the importation of such liquors from foreign states and countries to the United States and Territories, and the exportation of such liquors from, and the transportation thereof within and through any part of this country, except for the use and purposes aforesaid, shall be, and hereby is, forever thereafter prohibited.

SEC. 2. Nothing in this article shall be construed to waive or abridge any existing power of Congress, nor the right, which is hereby recognized, of the people of any State or Territory to enact laws to prevent the increase and for the suppression or regulation of the manufacture, sale, and use, of liquors and the ingredients thereof, any part of which is alcoholic, intoxicating, or poisonous, within its own limits, and for the exclusion of such liquors and ingredients therefrom at any time, as well before as after the close of A. D. 1900; but until then, and until ten years after the ratification hereof, as provided in the next section, no State or Territory shall interfere with the transportation of said liquors or ingredients, in packages safely secured, over the usual lines of traffic to other States and Territories wherein the manufacture, sale, and use thereof, for other purposes and use than those excepted in the first section, shall be lawful: *Provided*, That the true destination and nature of such packages be plainly marked thereon.

SEC. 3. Should this article not be ratified by three-fourths of the States on or before the last day of December A. D. 1890, then the first section hereof shall take effect and be in force at the expiration of ten years from such ratifications, and the assent of any State to this article shall not be rescinded nor reversed.

SEC. 4. Congress shall enforce this article by all needful legislation.

#### AMENDMENTS TO BILLS.

Mr. CONKLING submitted an amendment, intended to be proposed by him to the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, &c.; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. LOGAN submitted an amendment intended to be proposed by him to the bill (H. R. No. 7036) to establish post-routes; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

#### HOUR OF MEETING.

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

*Resolved*, That when the Senate adjourns to-day it adjourn to meet at the hour of eleven o'clock a. m., to-morrow.

#### NEW YORK CUSTOM-HOUSE APPOINTMENTS.

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

*Resolved*, That the Secretary of the Treasury be directed to report:

1. The names of all persons nominated by the collector of the port of New York for appointment in the New York custom-house between January 1, 1880, and December 1, 1880, with the positions for which they were respectively nominated and the salaries attached to such positions, and the date of such nominations respectively.

2. The names of all persons appointed to positions under the collector of the port in the New York custom-house between January 1, 1880, and December 1, 1880, the positions to which they were respectively appointed and the salaries attached thereto.

3. Whether any persons have, between January 1, 1880, and December 1, 1880, been nominated by the collector of the port of New York for appointment in the New York custom-house who had not previous to such nomination been certified as having been recommended for appointment after examination by the board of examiners appointed in pursuance of the provisions of the so-called civil service rules, together with the names of such persons, the dates of their nomination respectively, and the positions for which they were nominated and the salaries of such positions, and whether any of such persons and which, were appointed and when.

4. Whether any such person referred to in the preceding paragraph has been so nominated or appointed more than once and whether to the same or a different position, with the name of every such person so nominated or appointed more than once and the date of each such nomination and appointment and the position for which each such nomination or appointment was made and the salary thereof.

5. Whether any such person or persons as are referred to in the last two preceding paragraphs so nominated or appointed had prior to such nomination or appointment appeared before the said board of examiners and had failed to secure a sufficient number of marks to qualify him or them under the civil-service rules for an appointment at the time he was so nominated or appointed, and whether at the time of each such nomination and appointment there were any persons not then appointed who on an examination by said examiners had received a higher number of marks than such persons so nominated or appointed, and how many such persons there were who at such time or times had received such higher number of marks and had not been appointed.

6. Whether any person was during said period nominated or appointed under the collector of said port to any position for which he had not been examined by

said board of examiners, and, if so, who such persons were and the dates of their nomination or appointment, or both, and the positions to which they were nominated or appointed, or both, and the salaries attached to such positions.

7. Whether any nominations or appointments have, during said period, been made to positions under said collector of persons to hold "temporary appointments," so called, and the names of all such persons so nominated or appointed, and the dates of their nomination and appointment and the salaries paid to them, and whether any persons received a "temporary appointment" more than once, and, if so, who and when and to what position or positions, and what compensation was paid to each such person.

8. Whether any person who had received a "temporary appointment," or had been appointed when not eligible for appointment according to the civil-service rules, under the said collector, has been permitted to take part in any competition or examination of persons seeking to be promoted from one position to another, and, if so, who and when.

9. Whether during said period any person was nominated or appointed to a position under the said collector who had previously thereto been removed or dismissed from the service of the Government, or had resigned under charges, and, if so, who.

10. Whether the storekeepers or any other class of persons in said custom-house have been excepted from such rules, and whether any storekeeper has been promoted or transferred to another position without an examination in pursuance of such rules, and who and when.

#### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President.

A bill (H. R. No. 706) for the relief of A. B. Rowden;

A bill (H. R. No. 735) for the relief of Dr. John Blankenship;

A bill (H. R. No. 4596) authorizing the survey of parts of certain townships in Crawford County, Wisconsin, and making an appropriation therefor;

A bill (H. R. No. 6527) to grant to the corporate authorities of the city of Council Bluffs, in the State of Iowa, for public uses a certain lake known as Carr Lake, situated near said city;

A bill (H. R. No. 6229) to grant the right of way for railroad purposes through certain lands of the United States in Richmond County, New York;

A bill (H. R. No. 7098) making an appropriation for the flooring of the National Museum;

A bill (S. No. 939) to amend the law relative to the seizure and forfeiture of vessels for breach of the revenue laws; and

A joint resolution (H. R. No. 388) to provide for publishing an edition of Hayden's Atlas of Colorado.

#### MEXICAN AWARDS.

Mr. EATON. I desire to call up the resolution that I had the honor to offer yesterday, asking for certain information from the Secretary of State.

The VICE-PRESIDENT. The resolution will be reported.

The Chief Clerk read the following resolution, submitted by Mr. EATON on the 7th instant:

*Resolved*, That the President be, and he is hereby, requested to inform the Senate, if not incompatible with the public interest, whether any objection has been made by this Government to suits being brought in the courts of the United States by the Government of Mexico against American citizens, and if such objection has been made to communicate to the Senate the diplomatic correspondence, if any, in relation thereto.

The VICE-PRESIDENT. Is there objection to this resolution?

Mr. VOORHEES. Mr. President, on the joint resolution which the Senator from Connecticut introduced a few days ago I desired to submit a statement of facts connected with the business before the commission which I think will aid the Senate very much in reaching a correct conclusion. I presume it will be as much in order to submit what I have to say upon the pending resolution as to wait for the other resolution to be called up. If the Senator from Connecticut has no objection to that proceeding on my part, I will proceed to do so.

The VICE-PRESIDENT. The Chair will remind the Senator that but five minutes of the morning hour are left.

Mr. VOORHEES. I will occupy only about twenty or thirty minutes. If the Senate will grant me the indulgence, I promise to give what I think has not heretofore been given on this floor, a clear and intelligent statement of the matters complained of—not that others may not do it better than I, but it has not been undertaken.

The VICE-PRESIDENT. The Senator from Indiana asks consent of the Senate to address it at this time upon the subject-matter named by him. The Chair hears no objection.

Mr. VOORHEES. Mr. President—

Mr. EATON. I only desire to say one word. The Chair intimated to the Senate and to the Senator from Indiana that there were but five minutes remaining of the morning hour. I simply desire to say to the Senate that if the resolution which is now before us is to be discussed to-day by my friend from Indiana I hope the Senate will also hear the reasons that the mover of the resolution and its friends have for its adoption.

Mr. VOORHEES. I certainly hope so.

Mr. EATON. I do not like this matter to go by piecemeal. If there is to be a discussion let us have a thorough one.

Mr. VOORHEES. The resolution of the Senator from Connecticut [Mr. EATON] assumes that injustice has been done to the Government of Mexico by the awards mentioned therein. A great deal has been said to the effect that some advantage was taken of that government, as if Mexico had not had a fair chance to protect herself from imposition. A statement of facts will show how far these assumptions are just or unjust.

On the 4th of July, 1868, a treaty was concluded between the Government of the United States and the Government of Mexico, which provided for a commission whose duty it was to hear and determine all claims presented before it for damages sustained by citizens of this country at the hands of citizens of Mexico, and similar damages sustained by the citizens of Mexico at the hands of citizens of this country. In the early part of 1869, I think in March, commissioners were appointed under that treaty. In April, 1870, now nearly eleven years ago, the claim of Benjamin Weil was filed before that commission. Weil was a citizen of the United States who complained of the loss of property at the hands of certain Mexican forces under the command of General Cortinas. The memorial of Weil, when presented, in April, 1870, necessarily and in fact did specifically describe the kind of property that he alleged he had lost, how much there was of it, how much it was worth, by whom it was taken, the time when it was taken, and the exact place where he was plundered. It is impossible to conceive of plainer, clearer, or more explicit notice given to a defendant than was here given by the memorial of Weil to the authorities of Mexico. He proclaimed exactly what he complained of; he pointed out the place where and the persons by whom he alleged he had been injured, and thereby gave his adversaries every opportunity known in judicial proceedings to follow up and investigate. This case has been discussed as if there had been some concealment, some cunning arts resorted to. In point of fact the petitioner pleaded his claim as openly as if it had been in any court in the world, and put everybody upon full notice and opportunity of investigation.

He named the officer who was in command of the forces which seized his property. All governments keep a roster of their armies. How easy for the authorities of Mexico to have ascertained whether General Cortinas was at the place designated in Weil's memorial at the time of the alleged injury. How easy to have ascertained where he and his command were at that time. No better opportunity was ever given to meet a fraudulent claim if it was one.

Next, let us see whether there was such haste in proceeding to a conclusion as to cut off Mexico from a chance to fully and deliberately present her side of this case. This claim of Weil's lay nearly six years under investigation. It dragged its slow and lazy length along in the open sunlight of day for more than five years, the commission in session a great part of the time, its rooms open, its records open, and Mexico represented by able counsel scrutinizing every step that was taken. Among these counsel was Caleb Cushing. I have not understood that Caleb Cushing was a man easily overreached; I have not heard that his great and lucrative employments sought him because of his easy good nature and willingness to be out-generated by the other side in a lawsuit. It would seem, however, from the talk in certain quarters in and around this Capitol that the interests of Mexico had been in the hands of incompetent persons, a corps of imbeciles, instead of being, as they were, in the hands of some of the ablest lawyers of the United States.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The morning hour has expired. Is there objection to the Senator continuing? The Chair hears none.

Mr. VOORHEES. I think it will be here conceded that Mexico had all the notice that anybody could have, every possible opportunity to investigate, and longer time than ought to have been given.

On the 8th of October, 1870, counsel for the claimant Weil filed their brief before the commission, nearly all the evidence on which he relied having been filed prior to that time. It will be seen, therefore, that not only by the face of the memorial, but by the evidence itself, from 1870 up to the decision of the claim, Mexico knew all that was alleged, all that was proven, and all that was claimed. What course, however, did the counsel for the Government of Mexico pursue? They almost let judgment go without resistance. The Mexican commissioner afterward attempted to justify the conduct of the agent of Mexico in withholding defensive evidence, said to have been sent to him by his government, on the singular ground that its presentation would have given an opportunity to the claimant to rebut it; as if every plaintiff in a suit has not the right, after the defense puts in its case, to meet such new matter as the defense brings forward. The truth is that the defensive evidence, if they had any, which I very much doubt, was withheld under the mistaken idea that after the commissioners disagreed and the claim went to the umpire Mexico would have the right to file her evidence before the umpire and the plaintiff would not have any right there to meet it.

Mr. JONES, of Florida. Allow me to ask a question. When was this claim of fraud first made, after the decree by the arbitrator?

Mr. VOORHEES. I do not know that the claim of fraud has ever been made by the Government of Mexico. I will meet the question of the Senator as well as I know how to meet it in the course of my remarks. He will gather from what I shall say all I know about the subject. Sir Edward Thornton very justly and very correctly said it was not his province to take testimony, that he was simply to take the case as made before the commissioners and decide it upon the evidence before them; to determine between them who was right, the American commissioner who allowed the claim, or the Mexican commissioner who voted against it, as he did in almost every instance where an American was a claimant.

In the face of so many witnesses of respectability, I am unwilling to decide that the facts detailed by them are not true.

I must decide on the proofs and documents filed in the case, and nothing else.



These remain without contradiction by the Government, and, to remove all misapprehensions, I state that I am willing to give every opportunity in my power as a commissioner to the Government to make a full and ample investigation of this claim, and respond to it, and very much wish that this might be done.

But, as this is declined, I must act on the proofs before me. It is now my decision that the United States must have an award for the value of the property, at the time and place of its seizure, with interest.

Here was not only an offer of great liberality upon the part of the American commissioner, but there was absolute solicitation upon his part to those who represented Mexico to do their duty. What was Mr. Wadsworth to do? In a case pending as long as this had been, waiting day after day and year after year for the Mexican authorities to meet a plain, simple claim that had no mystery about it, was he to continue five years more? He did the only thing that an honest man could do; he rendered his decision, which, under the provisions of the treaty, sent the claim to the umpire.

It will not do to contend that new evidence has been discovered which will warrant a new trial. On the contrary, the Mexican commissioner expressly states that he had his evidence in hand at the proper time, and did not put it in because it would give the claimant a chance to rebut it. It is not analogous to a case where the party has tried his case in court and lost it, doing the best he could, and afterward made new discoveries. There equity interposes. But what would be thought in a court of justice of a man who, after losing a case, should arise and say to an enlightened judge, "I have lost my case; I had my evidence in hand and could have offered it, but would not; the case was continued for me for five years, but at last I thought I could on appeal present my evidence where the other side could not rebut it?"

Does this state of facts present sufficient ground to impugn the honor of this country or the validity of this finding? Who is William H. Wadsworth? I know him well. I had the honor to serve with him in the other branch of Congress years ago, and I hazard nothing in stating that for high intelligence, vigilant, careful, conscientious integrity, he never had a superior in the public service. Has he been imposed upon? Did he make up his finding when he ought not to have done so? Did he hurry the decision and exclude a proper opportunity on the part of Mexico? Who will dare to say so? Nobody. Yet after this claimant is dead, and perhaps many of his witnesses, his widow and children and other innocent parties only now interested in it, we hear people about these Halls talking as if Mexico had been deeply and dangerously imposed upon.

But this matter does not stop here. By the terms of the treaty, clear and explicit, all awards under it were to be final and conclusive. Article 2 of the treaty of 1868 reads as follows:

The President of the United States of America, and the President of the Mexican Republic, hereby solemnly and sincerely engage to consider the decision of the commissioners jointly, or of the umpire, as the case may be, as absolutely final and conclusive upon each claim decided upon by them or him respectively, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

Should they fail to agree in opinion upon any individual claim, they shall call to their assistance the umpire whom they have agreed to name, or who may be determined by lot, as the case may be; and such umpire, after having examined the evidence adduced for and against the claim, and after having heard, if required, one person on each side as aforesaid, and consulted with the commissioners, shall decide thereupon, finally and without appeal.

Mr. Weil submitted his claim under that article of the treaty, and thereby became a party to it and was bound by it as well as Mexico. Suppose, however, the decision had been against Mr. Weil, would anybody contend that he could have a rehearing and retrial here? It is a notorious fact that American citizens have complained that by fraudulent practices the Mexican authorities have kept them from establishing legal and just claims for damages. I have here in my hand the case of the Rosario and Carmen Silver Mining Company of California. That company had a claim before this commission which was defeated, rejected. The petitioners came to Congress for relief against what they alleged to be an unjust decision procured by fraud on the part of Mexico. In their petition they allege that the Mexican authorities viciously and dishonestly purloined and suppressed material evidence which they had taken and submitted with their claim, by means of which fraudulent suppression of evidence by the Mexican authorities and the introduction by them of evidence of perjured witnesses the claim was decided adversely to them. That is a strong case. What was the result? I suppose nobody will dispute that we should deal as fairly with our own citizens as with those of other countries. I know no reason why the American Congress should discriminate in favor of Mexicans against Americans; yet what was done in this case of the Rosario and Carmen Silver Mining Company? I have here a report of the Committee on Foreign Affairs of the House of Representatives, made April 24, 1878, in which the doctrine was laid down that a retrial could not be granted; that a settlement under the terms of the treaty was final; that the award was conclusive; that there was no appeal from it.

Afterward application was made on behalf of said mining company directly to the Secretary of State, to which the following answer was returned:

DEPARTMENT OF STATE,  
Washington, March 31, 1879.

SIR: Your letter of the 10th ultimo, with the accompanying documents, was duly received and has been attentively considered. It requests that application be made to the Mexican Government for a rehearing of the case of which you are the representative. Your request is based in part on allegations of perjury by some of the witnesses against your company, and in part upon the authority con-

tained in the act of Congress of the 17th of June last to suspend payment to claimants, citizens of the United States, in certain cases where the Mexican Government had complained of fraud. In reply I have to express my regret that it is deemed inexpedient to comply with your request.

In view of the clear and positive terms of the fifth article of the convention of 1868, this Government has no right to expect a rehearing of the case, and under the circumstances there is believed to be so little probability that such a rehearing would be granted as a matter of favor that even if there were a disposition, which I am sorry to say there is not, to ask such a favor of the Government, it is supposed that the public interests require that no such request should be made.

I am, sir, your obedient servant,

WM. M. EVARTS.

To E. C. INGERSOLL, Esq.,

Attorney for the Rosario and Carmen Mining  
Company of California, Washington, D. C.

It would seem, therefore, that neither Congress nor the Department of State find any power under this treaty to relieve American citizens as against a case of fraud even if a fraud exists. I wish, however, next to show that this whole agitation on behalf of the authorities of Mexico is an afterthought—I will not say inspired by men for ulterior and sinister purposes; I will not say that it is done for the purpose of levying blackmail upon every payment that is made and every installment as it becomes due; but I will undertake to say here, and to show, that these very awards in behalf of Weil and the La Abra Silver Company were ratified twice by the deliberate official action of the Mexican Government after they were made. On the 29th of June, 1876, after the decision of these cases by the umpire and the action of the umpire was fully known both by this Government and by Mexico, a treaty was concluded between the two governments providing for a ratification of what the commission had done and for the full execution of its decisions. In that treaty, in article 2, we find the following:

It is further agreed that so soon after the 20th day of November, 1876, as may be practicable, the total amount awarded in all cases already decided, whether by the commissioners or by the umpire, and which may be decided before the said 20th day of November, in favor of citizens of the one party, shall be deducted from the total amount awarded to the citizens of the other party, and the balance, to the amount of \$300,000, shall be paid at the city of Mexico, or at the city of Washington, in gold or its equivalent, on or before the 31st day of January, 1877, to the government in favor of whose citizens the greater amount may have been awarded, without interest or any other deduction than that specified in article 6 of the said convention of July, 1868. The residue of the said balance shall be paid in annual installments on the 31st day of January in each year, to an amount not exceeding \$300,000, in gold or its equivalent, in any one year, until the whole shall have been paid.

There is a plain treaty stipulation covering every dollar that was awarded by that commission, entered into by Mexico with her eyes open. Now she stands here, or somebody does pretending to act for her, seeking to impeach what she agreed to then, with a full knowledge of all the facts.

More than that, however, on that point. Soon after the ratification of this last treaty noted, a correspondence took place between Mr. Fish, then Secretary of State of the United States, and Mr. Mariscal, minister of Mexico to this Government, and on the 4th of December, 1876, in response to a note from Mr. Mariscal, Secretary Fish used the following strong language:

By article 2 of the convention the two governments bind themselves to consider the decisions of the commissioners and of the umpire as absolutely final and conclusive, and to give full effect to such decisions, without any objection, evasion, or delay whatsoever; and by the fifth article the high contracting parties agree to consider the result of the proceedings of the commission as a full, perfect, and final settlement of every claim upon either government arising from transactions prior to the exchange of ratifications thereof.

It may be quite proper that Mr. Avila should advise you of his views as to any particular awards, or as to any points connected with the closing labors of the commission, and you may have felt it to be your duty to bring to the notice of this Government those views so communicated to you.

I must decline, however, to entertain the consideration of any question which may contemplate any violation of, or departure from, the provisions of the convention as to the final and binding nature of the awards, or to pass upon, or, by silence, to be considered as acquiescing in any attempt to determine the effect of any particular award.

With your appreciation of the objects in contemplation in this method of settlement of differences between two governments, and with your intimate acquaintance with the particular provisions of this convention with reference to the binding character of the awards made by the commissioners or by the umpire, you will readily appreciate my extreme unwillingness to consider that, at the moment when the proceedings relating to the commission have been brought to a close, and the obligation upon each government to consider the result in each case as absolutely final and conclusive becomes perfect, the Government of Mexico has taken, or proposes to take, any steps which would impair this obligation.

Then in response to this statement upon the part of Mr. Fish, that the decisions of the commissioners and of the umpire were absolutely final and conclusive, and that he would not tolerate the idea of any violation or departure from them, the Mexican minister, Mr. Mariscal, disclaimed any such intention on his part or on the part of his government in the following language:

It is not my intention, nor the intention of Sr. Avila, to open any question whatever, nor to put in doubt the final and conclusive character of the above-mentioned awards.

But again. The labors of this commission terminated on the 20th of November, 1876, and soon afterward, on the 14th December, Mr. Fish and Mr. Mariscal made and signed a settlement embracing the expenses of the commission and fixing how they should be borne. It is entitled a "statement of account of the United States and Mexican claims commission," and will be found in House Miscellaneous Document No. 39, second session, Forty-fourth Congress. It will be seen in that account that Mr. Mariscal charged the United States the agreed percentage on all the awards made in favor of its citizens and



for the two awards now objected to, namely, those of Weil and La Abra Silver Mining Company. He charged, and was allowed to include in the expense-account of the commission, over forty-six thousand dollars by reason of this recognition on his part and confirmation of what had been done in these cases. In this transaction he was enabled to retain and did retain out of the first annual payment of \$300,000 the above amount, the right to which was based solely upon a confirmation on the part of Mexico of the awards in these two cases; otherwise, he had no right whatever to this money.

But there is still much more to show the grave impropriety of the resolution offered at this time by the Senator from Connecticut. By the act of Congress of June 18, 1878, provision was made for the distribution and payment of the awards made by the commission. While that act was under discussion and consideration suggestions were made, it seemed to me at the time, in a sort of vague way, that further consideration ought to be had in these two cases. With a sensitive regard to our own honor we thought too much could not be done to avoid even a suspicion of unfairness toward Mexico. It was for that reason that section 5 of that act was inserted. By that section the President of the United States was empowered and "requested to investigate any charges of fraud presented by the Mexican Government as to the cases hereinafter named, and if he shall be of the opinion that the honor of the United States, the principles of public law, or considerations of justice and equity require that the awards in the cases of Benjamin Weil and La Abra Silver Mining Company, or either of them, should be opened and the cases retried, it shall be lawful for him to withhold payment of said awards, or either of them, until such case or cases shall be retried and decided in such manner as the governments of the United States and Mexico may agree, or until Congress shall otherwise direct." Then it was further provided in that section that any moneys accruing under these awards should be held to abide the President's investigation and determination.

It will be remembered that this act, the fifth section of which I have partially read, became a law nearly three years ago. For more than two years after its passage—to be exact, two years and two months—the Executive Department held entire control of these claims and of all questions relating to them, whether they ought to be retried, whether they ought to be reinvestigated. For more than two years they were there in the Executive Department of the Government, subject to any charges that Mexico might bring against them, subject to any steps that might be taken, those interested in them waiting patiently for a conclusion, and, finally, that conclusion came. It came last August, in a direct order from the President of the United States to pay the money due under these awards, determining that there was no ground of fraud on which to retry them, that Mexico had not made herself felt or heard to such an extent in the Executive Department of the Government as to require a rehearing. During those two years and more there was no want of attention to this subject; on the contrary the Secretary of State heard argument repeatedly for and against the claims, able gentlemen appearing on both sides, thoroughly sifting every allegation that was made. More than that; shortly before the payment was ordered distinguished counsel appeared ostensibly on behalf of Mexico, and asked for delay until they could bring suit in the courts. The Senator from Alabama [Mr. MORGAN] has stated, and stated correctly, on the floor of the Senate that Mexico had the right to go into our courts and sue or ask for an injunction against any citizen of the United States. When it became apparent that the Executive Department would pay this money, as I have said, distinguished counsel appeared there and asked for additional delay, in order to enable them to bring some sort of action. The delay was promptly granted and weeks elapsed again before payment was made. No suit has been brought; every opportunity has been given; our courts have been open to Mexico; time has been given; and it seems monstrous that now, at the end of nearly eleven years since this action commenced, and nearly six years since it was decided, it should be reargued.

But still further: at the last session of Congress a bill was introduced by the Senator from Alabama seeking to reopen these claims and send them to the courts. Exactly why this was done I do not know, inasmuch as Mexico had already the power to go there; but the bill had one good effect, at least, it brought this whole question to the consideration of the Committee on the Judiciary, and that eminent and learned committee, taking a full view of the whole case, reported back that there was nothing for this Government to do in the premises; that it had done its duty; and there was nothing left except to execute what had been determined according to law.

Sir, I need not assure the Senator from Connecticut that I know him to be actuated in this proceeding, as in all others, by the highest motives, and by the purest sense of honor, but I appeal to his well-known candor to say whether enough has not already been done to vindicate our honor as a Government.

Is there never to be an end to motions, resolutions, and proposed investigations on a subject that was finally disposed of years ago? During the present session of Congress the matter of these two awards and the right to reopen them was fully considered by the House Committee on Foreign Affairs, resulting in the action of the committee against any such right or duty.

It is well to remember that all awards made by the commission are payable in annual installments, and they have eight or nine years yet to run. If, as each pay-day approaches, a suggestion from some-

body to the effect that there was fraud in some of the awards shall cause Congress to enter upon an annual investigation, I would congratulate those who are about to leave this body rather than those who will remain. I sincerely hope the Senator from Connecticut will withdraw his resolution, and if not, that it will be voted down.

Mr. EATON. I do not wish to detain the Senate. I will only say a few words. I desire that the pending resolution, which I offered yesterday, may now be reported, and on that I have a word to say. The Chief Clerk read the resolution, as follows:

*Resolved*, That the President be, and he is hereby, requested to inform the Senate, if not incompatible with the public interest, whether any objection has been made by this Government to suits being brought in the courts of the United States by the Government of Mexico against American citizens, and if such objection has been made, to communicate to the Senate the diplomatic correspondence, if any, in relation thereto.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) If the Senator will allow the Chair, he will lay before the Senate its unfinished business, which can be temporarily laid aside, and the Senator will then be recognized.

The bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, was read by its title.

Mr. EATON. I do not propose at this time to go into a full discussion of this matter. I desire the passage to-day of the pending resolution, asking for information which, in my judgment, the Senate ought to have before it finally passes upon the joint resolution which I had the honor of introducing several days since. I want all the correspondence, the diplomatic correspondence, if compatible with the public interests, between our own and the authorities of the Mexican Government, in order that the Senate of the United States may see whether really the courts of the United States have been open to the Government of Mexico; that is, open in the opinion of the Mexican officials. I do not propose on this occasion to arraign the Secretary of State. That is not necessary; it would not be proper for me to do it; but I desire that the correspondence between the Secretary of State and the Mexican officials shall be laid before the Senate in order that the Senate may see what the effect of that correspondence inevitably has been upon the Mexican authorities.

I desire to say here that in my judgment—and I have given not a little attention to one of these claims, a good deal to both, a great deal to one—I do not believe there was one single bale of cotton belonging to the claimant who charged against the Republic of Mexico the loss of 1,900 bales of cotton. There was not anything to make either wool or wool of. That is my opinion with regard to this matter. I believe it was the baldest case of fraud that ever was perpetrated on the face of the earth.

Mr. JONES, of Florida. Let me ask the Senator how it escaped the attention of the arbitrators?

Mr. EATON. It escaped the attention of the arbitrators because the evidence was not in the possession of the Mexican authorities until after the commission had themselves risen, and when it was carried to the umpire, Sir Edward Thornton—a very distinguished gentleman—Sir Edward Thornton said these words:

In the case No. 447, Benjamin Weil vs. Mexico, the agent of Mexico has produced circumstantial evidence, which, if not refuted by the claimant, would certainly contribute to the suspicion that perjury has been committed, and that the whole claim is a fraud. For the reason already given it is not in the power of the umpire to take that evidence into consideration; but if perjury shall be proved hereafter, no one would rejoice more than the umpire himself that his decision should be reversed and that justice should be done.

As I said, I do not desire to go into a full discussion of this matter to-day. I introduced the resolution because I believe that the honor of the United States demanded that further action should be taken. I brought it in because, as a Senator of the United States, I felt it to be my absolute duty to do it, feeling that injustice had been done to a sister republic. Let the resolution which I offered yesterday be passed; let the correspondence between the Secretary of State and the Mexican authorities come before the Senate, and you will see in what position the Mexican authorities here feel themselves to be. You will see whether they thought it proper and prudent to go into the courts of the United States.

Mr. JONES, of Florida. What was inside the claim?

Mr. EATON. I think if there has been a claim it is made out of raw material, that it was covered so all over with fraud that there was not any inside to it, that it was all fraud from the beginning to the end. I incline to the opinion that no treaty, no convention, and no action of umpires or commissioners, can prevent or ought to prevent the Government of the United States from giving to the authorities of Mexico every opportunity to show that fraud.

As I said, I have examined this question with great thoroughness. I find no fault with any gentleman who differs with me. I am not about to attack the American commissioner, Mr. Wadsworth of Kentucky; I am not about to attack the umpire, Sir Edward Thornton, but I say here, on my honor as an American Senator, that this matter ought to be opened.

Mr. BAILEY. What is the evidence?

Mr. EATON. The evidence I do not care to go into here. This man was proved to have been seven hundred miles from the very place that he swore he was present, where his cotton was taken, and it was proved by his own letters.

Mr. BAILEY. Did not Mexico have the proof?

Mr. EATON. It was impossible for Mexico at that time to arrive



at that proof. I am inclined to think that my distinguished friend from Indiana was mistaken when he said, if he did say all, that all of this proof was withheld from the commission. I undertake to say that my reading of the case is that this proof was not in the hands of the agents of Mexico at the time of the holding of the sessions of the commission. Other proof was.

Mr. VOORHEES. What I said was this—

Mr. McDONALD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Indiana?

Mr. EATON. Oh, yes.

Mr. McDONALD. I will read what the Secretary of State says in regard to these claims, especially in regard to the Weil claim. In his report to the President in pursuance of the fifth section of the act of 1878, he says:

In the conclusions to which I came, and which I had the honor to submit to your examination, I was principally governed by the following considerations:

1. In the complaints of the Mexican Government there is not the slightest impeachment, express or implied, of the character or composition of the commission, of its methods of procedure, or of the entire regularity and integrity of its actual proceedings. It was composed of able and eminent men, enjoying the full confidence of the governments by whom they were respectively appointed, and the umpire selected, Sir Edward Thornton, was pre-eminently fitted for his laborious and responsible duties by his long diplomatic experience, his recognized ability, his high character, and his special knowledge of the two countries whose citizens and governments were interested in the arbitration.

2. Before this commission the Government of Mexico had full opportunity and ample time to present its defense, both in evidence and argument, against any claim that was submitted. In the La Abra case a large amount of testimony was taken on both sides, the comparison and valuation of which was within the power of the commission, and the opinion of the umpire shows that it was carefully considered.

In the Weil case it is true that the Mexican Government submitted no testimony, and that the case was decided upon the evidence offered by the claimants. But the Mexican commissioner explicitly declined the offer of further time to produce such testimony, although he professed that his government had such in possession, saying upon the trial:

"There is in the present case the still more serious consideration that there is sufficient evidence upon which to judge of the claim, and that by opening the door to new testimony it would only serve to show the claimant wherein the edifice which he had erected upon his imagination was weak, and by enlightening him how to crown his intrigue by new efforts, which, although they would not change the aspect of the case, might lead him to confirm it."

Now the Secretary expressly states—

Mr. EATON. I do not care to have a speech interjected into mine.

Mr. McDONALD. I do not desire to interject a speech into the Senator's. I simply wanted to read what the Secretary of State said.

Mr. EATON. He does not go to the extent of seeking this action at all. That there was testimony which was withheld I know, and I know further that the important testimony had not yet been discovered, and the Secretary of State did not undertake to say to the contrary, and if he did he would be in error.

Mr. VOORHEES. As the Senator from Connecticut arraigns my statement, I say that the Secretary of State does state that there was no evidence submitted on the part of Mexico in the Weil claim, although the commissioner says he had such evidence, and gives the further reason that he proposes to enable the claimant to rebuild or strengthen his edifice, in the figurative language of the commissioner for Mexico; in other words, to give the claimant a chance of rebuttal. I say the statement of the Secretary of State here bears me out entirely that the Mexican commissioner said he had evidence, and declined to put it in on the ground that that would enable the claimant to rebut it.

Mr. EATON. What I say is this, and if either of the Senators from Indiana, and if the Secretary of State will take the trouble to examine the evidence that is now in, where everybody can read it, he will ascertain the great fact that these vital proofs were not within the power of Mexico at the time. That there was a certain class of evidence, which evidence was not submitted, is true, I make no question about; but the whole evidence was not in. The fact that this man Weil was seven hundred miles from the point where he swore he was when the cotton was taken from him was not in their possession, and they had not that testimony.

Mr. JONES, of Florida. How is that made to appear?

Mr. EATON. It is made to appear by a letter written by Weil himself from Shreveport, in Louisiana, upon a certain day, on which day he alleges that he was below Matamoras in person, in his sworn proof; and there were several other things in connection with it—

Mr. JONES, of Florida. He swore he was at another place?

Mr. EATON. Certainly, and he was seven hundred miles off on that same identical day, if I am not mistaken. He swore he was there when the cotton was taken from him.

Mr. VOORHEES. If the Senator will allow me a moment, I do not dispute the ability of Mexico or of Mexicans to manufacture testimony, especially after a man is dead, and even to the extent of forging letters. The point that I make here, and the point at issue between the Senator from Connecticut and myself, is while this case was pending in a court open to everybody and the record of which was under inspection, and where Mexico was represented by gentlemen among the ablest counsel in this country, for more than five years, and then solicited by the American commissioner, put in their entire case, proceeding to a judgment reluctantly, and the commissioner of Mexico saying that he had testimony and declined to put any of it in, not some of it but none of it—whether under these circumstances this is a proper subject for rehearing. Three years ago the

Congress of the United States sent it to the President of the United States, to the State Department, for a rehearing and a retrial if they should find that it ought to be done.

Mr. EATON. I think my friend ought not to repeat the speech he has made before.

Mr. VOORHEES. I will not interrupt the Senator.

Mr. EATON. My friend has just said what he said before, that this power had been given two years ago, more or less, to the President of the United States, and yet he held it up two years, and did not disburse these moneys. Why did he not disburse these moneys? Because of the allegation of fraud, because of the belief that there had been perjury here in the establishing of these claims. And now for some reason—I hardly know what the reason is—although the evidence is directly to the point and is brought before a new commission, or before the Secretary of State, or before the Congress of the United States, it is not proposed to hold this matter one year, one month, one day longer.

I do not wish to go further into the discussion of this matter today. I believe that the honor of the United States ought to be protected by taking care of the interests of Mexico.

My friend from Indiana suggested something about forging letters after a man was dead. If letters have been forged after a man was dead, I apprehend that such letters would not constitute good testimony in the opinion of the Senator from Indiana, or in my opinion, or in the opinion of anybody else who would have this matter in hand to investigate hereafter. My understanding of it is that there has been no forgery of letters upon the part of the Government of Mexico or its officials, and it is too late in the day for Senators to say on this floor that we cannot open this matter because it has been finally adjudged, when by a law of Congress it has been held in the hands of the President of the United States for two years and more than two years. It will hardly become citizens of the United States, not to say Senators of the United States, to say that if there was a case of bald fraud here we would not notice it, when this very moment the leading journals of Great Britain and many of its leading men are taking into consideration the great fact of the perjury that was committed with regard to the fishery award, and a leading paper in Great Britain says if the allegation can be sustained, no matter about the convention or the treaty, the money must go back to the United States where it belongs.

I say that if the President of the United States have in his hands a million or two of dollars belonging to the Government of Mexico originally, but sent here for the purpose of being distributed, and if part of the claims the money is to meet be covered all over with wrong and fraud, it is the duty of the United States to withhold that money, and it is the duty of the United States to look into this matter thoroughly and fairly. I desire the resolution to pass so that we may have the information from the Secretary of State with regard to that one matter, and hereafter I shall take occasion to call up the joint resolution which I introduced some days ago.

Mr. McDONALD. Mr. President—

Mr. BOOTH. I feel it my duty to call for the regular order.

Mr. JONES, of Florida. Will the Chair have the resolution reported?

The PRESIDING OFFICER. The resolution will be read.

The CHIEF CLERK read the resolution.

The PRESIDING OFFICER. Does the Senator from California insist upon his call for the regular order?

Mr. McDONALD. I wish just a moment.

Mr. BOOTH. I will yield for a minute.

Mr. McDONALD. For five minutes?

Mr. BOOTH. I must in fairness call for the regular order.

The PRESIDING OFFICER. The regular order is called for.

Mr. EATON. I hope we shall have a vote on the passage of the resolution.

Mr. BOOTH. If it is the desire of the Senate to vote on the resolution, and if the Senator from Indiana has no objection to taking a vote upon it, I will yield.

Mr. McDONALD. I have no objection whatever, but I desire to say just about ten words.

Mr. BOOTH. I will yield for ten words.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. McDONALD. I desire to call the attention of the Senate a little more particularly to the statement of the Secretary of State, and I do not understand that to have been controverted. He says:

In the Weil case, it is true that the Mexican Government submitted no testimony, and that the case was decided upon the evidence offered by the claimants. But the Mexican commissioner explicitly declined the offer of further time to produce such testimony, although he professed that his government had such in possession, saying upon the trial, &c.

I simply desire to say that there is not a court in the United States that would grant to a private litigant a new trial upon an application for that purpose, if he should present such a petition as that. I desire to state further, that if Mexico has any complaint in regard to the action arising under that commission, it should be addressed to secure a new convention, in which the parties who have lost their claims by fraud may have an opportunity to present them again. What I have contended against from the beginning is that there should be this one-sided effort acquiesced in by our Government, to relieve Mexico from these two awards and hold our people bound by

all the others. The purpose of the fifth section of the act of 1878 was to clothe the executive department of the Government with precisely that power, and I am willing to continue it if it is necessary; but I shall not vote for a new trial in an *ex parte* application of this kind to a claimant who stands in the position that the Secretary of State has shown that the Mexican Government stands with reference to this claim.

Mr. BOOTH rose.

Mr. WHYTE. If the Senator will allow me to say just one word, the Senator from Indiana has struck the key-note of this whole question. If we are going to do anything to protect Mexico in regard to claims that have been passed against her by the joint convention, I hope we will also do something for those citizens of the United States whose claims were excluded either by the negligence of officers of this Government or by want of proper notice to them that that commission was sitting in this city. I know men with claims; I know specially of one claim, of a citizen of the United States whose coal was seized by Mexican authority, who made a protest before the consul at Vera Cruz and filed it there for the governance of our Government here at Washington, which through the negligence of that consul was not filed in the State Department; and that claimant, or his heirs, for he died shortly afterward, had no notice of this convention at all.

Mr. EATON. That was not the fault of Mexico.

Mr. WHYTE. It was the fault of the commission that proper notice was not given to the various claimants, the notice being published, as is claimed, in but one paper in New Orleans so far as I can ascertain, and no copy of that paper having ever been discovered or produced to show that it was actually published. I say that claim was lost because the Government here had no notice of the protest in Mexico and the claimants, the heirs of the gentleman who had died, had no notice of the sitting of the commission. Therefore if we are to protect Mexico against fraudulent claims, I hope the Government of the United States will protect its own citizens who have just claims which have been unpaid by Mexico.

Mr. JONES, of Florida. Mr. President—

Mr. BOOTH. I must insist on the regular order.

The PRESIDING OFFICER. (Mr. COCKRELL in the chair.) The Senator from California insists on the regular order.

Mr. JONES, of Florida. What is the regular order?

The PRESIDING OFFICER. The pension appropriation bill.

Mr. JONES, of Florida. With the permission of the Senator—

Mr. BOOTH. I cannot yield for any purpose.

The PRESIDING OFFICER. The Chair will lay before the Senate the regular order.

#### PENSION APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1889, the pending question being on the amendment proposed by Mr. PLUMB, after line 17 of section 1, to insert:

To provide fifty additional examiners for the Pension Office, and the number of clerks for the Pension Office and Adjutant-General's and Surgeon-General's Offices, respectively, necessary to render effective the work of said examiners, the sum of \$200,000, to be immediately available.

Mr. KIRKWOOD. I should like to see that amendment a moment.

Mr. BOOTH. So far as I am personally concerned, I have no objection to the amendment.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. BOOTH. I beg pardon.

Mr. KIRKWOOD. I have a word to say in regard to this matter. After concluding my remarks yesterday I was called out of the Senate Chamber to attend a special meeting of the Post-Office Committee. Upon my return I found that the amendment offered by the Senator from Virginia [Mr. WITHERS] had been defeated, which I very much regretted. I voted yesterday that that amendment was in order. I did that with a good deal of doubt as to the correctness of my vote, but for the purpose of availing myself of a chance to vote for something that would tend to improve the present condition of affairs.

I would suggest to the Senator from Kansas, however, who offered the pending amendment, that if additional clerks are to be placed in the Pension Office, my understanding is that additional room will have to be provided for them. The amendment should be amended so as to allow the application of a portion of the fund to pay the rent of a building for their use. My understanding is that the present building occupied by the Pension Bureau is full, and it is no use for us to employ clerks unless we can have room for them to work in. I suggest that to the Senator who offered the amendment.

Mr. PLUMB. If the Senator from Iowa is informed upon that subject sufficiently to frame an amendment which will meet the point which he urges, I shall have no objection to it.

Mr. KIRKWOOD. Let me look at it again.

Mr. PLUMB. I suggest to the Senator from Iowa that his proposition be made the subject of a separate amendment, when the pending amendment has been adopted, if it shall be agreed to.

Mr. EDMUNDS. It had better be submitted as an amendment to this amendment, because the next one may not be thought to be in order.

Mr. KIRKWOOD. Unless the Senator who offers the amendment

thinks it is well to provide for the employment of clerks without making any provision for places where they may work, I suggest that after the word "examiners" in the first line of the amendment he insert "and for rent for additional rooms or buildings therefor." That would obviate the difficulty that seems to me to be somewhat pressing.

The PRESIDING OFFICER. Does the Senator from Iowa offer that as an amendment to the amendment of the Senator from Kansas?

Mr. KIRKWOOD. I offer it as an amendment to the amendment of the Senator from Kansas.

The PRESIDING OFFICER. The amendment to the amendment will be reported.

The CHIEF CLERK. After the word "examiners," in the first line of the amendment, it is proposed to insert "and for rent for additional rooms or buildings therefor;" so as to read:

To provide fifty additional examiners, and for rent for additional rooms or buildings therefor, for the Pension Office, and the number of clerks for the Pension Office and Adjutant-General's and Surgeon-General's Offices, respectively, necessary to render effective the work of said examiners, the sum of \$200,000, to be immediately available.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB] as amended.

Mr. KERNAN. On behalf of a great many deserving men, I believe something should be done to speed the adjudication of the claims pending for pensions. The war closed more than fifteen years ago. There are now, as we are informed, more than 250,000 claims pending in the Pension Bureau. Every Senator and every Member gets day after day letters from people in his State or locality asking him to get such a claim speeded and such a claim speeded. We all know that that cannot be done. Here is this very large number of claims pending. Doubtless a very large number of them are deserving, as the claimants believe, and as probably is true, and it is really a denial of justice to leave these claimants for so many years without having their claims decided upon. Those which are just should be allowed; the deserving soldiers of the war should be paid their pensions; and those claims which cannot be maintained ought to be rejected, so that the claimants may know that the bureau thinks they are not entitled to pensions. I feel almost depressed when I realize how many of these claims there are, and how many deserving soldiers and their widows cannot get action upon their claims when they believe they have their proofs to entitle them to pensions.

I am in favor of this amendment in the hope and belief that, if nothing else can be done at this session, it will enable the Commissioner to add to the efficiency and strength of his force so as to dispose of these claims more rapidly. Nothing is more unjust than to delay the claims of deserving men, soldiers who entered the service on the pledge of the Government that if by disease or wounds incurred in the war they lost their health they should have a pension. Half of them, here in the year 1881, when the war closed early in 1865, have been writing and writing and seeking to get action on their claims. I think the Government owes it to itself, it owes it to them, to give at least this measure of relief, and I hope there can be something done to speed their cases far more rapidly in their determination than this will do. I am in favor of the amendment, hoping it will do something in the way of bringing about the determination of these claims.

Mr. WALLACE. It is strange that the Senate and the House should undertake in this way to relieve the Pension Bureau when neither the officer in charge of that bureau nor any one connected with the Government has ever asked for this special mode of assistance. They seek a remedy in a different line, by a court, through judicial processes and not by clerks added; their wishes come to us by the bill of the Senator from Virginia, and in a different form from this proposition. There is no estimate in the Book of Estimates for additional clerks; there seems to be no requirement for this force from the Department of the Interior, or any one authorized to demand it—

Mr. INGALLS. May I interrupt the Senator a moment?

Mr. WALLACE. Certainly.

Mr. INGALLS. At the close of the Commissioner's last report he says:

I respectfully submit the following recommendations:

1. That there be an increase in the number of clerkships of the classes 1, 2, 3, and 4.
2. That the chiefs of divisions and the appeal clerk, who are selected from among the clerks of class 4, be given an additional allowance of \$600 each per annum.
3. That the salary of the chief clerk be increased to \$2,500 per annum.
4. That the salary of the Deputy Commissioner of Pensions be increased to \$3,000 per annum.
5. That the salary of the Commissioner be increased to \$6,000.

He does ask for an additional number of clerkships in classes 1, 2, 3, and 4.

Mr. WALLACE. How many does he want? The number is not fixed, few or many, but the great desire there expressed is for increase of salary to those now at work. I do not think that this request is in the Book of Estimates furnished the Appropriations Committee. I have heard nothing of it in the Committee on Appropriations. Neither I nor the others knew anything of this in our consultations in that committee. This statement is made as the Senator read it I do not doubt, and if these clerks be really needed I have no doubt that Congress will be very glad to give them to aid in the much needed expe-



dition. Will the pending amendment answer the purpose? Will it give the relief desired? Is there not some other remedy beyond this required? The Commissioner evidently thinks this will not answer, for he gives all his energy to the measure submitted by the Senator from Virginia, [Mr. WITHERS.] He feels, as most of us do, that a remedy must be found in some other line.

The point to be reached, it seems to me, is to bring the judicial mind to bear upon the facts of each case in some way. The proposition of the Senator from Virginia, the chairman of the Committee on Pensions, was a measure in the right direction, but it had its defects, and was liable to many objections. I could not bring my mind to support it. It has been ruled out of order, but I may briefly refer to it. There were many difficulties surrounding it. Among the first was that it was the institution of a batch of new courts in each State which were strange to the people; these were heretofore utterly unknown in our system, were not in the line of the common law, and in effect it was the creation of new tribunals strange to the people. The second objection is, that it adds large additional expense and multiplies officials throughout the country, while we are already oppressed by their number. The third objection, in my mind, is that it was possible for this court, if it saw fit so to do for any purpose, to become an oppressor and a tyrant over the pensioner himself. I do not say that they would be so, but new tribunals, vested with complete power over the subject given them, may exercise that power for improper purposes, and I fear they would.

Where is the difficulty in the way of sending every pensioner to his own locality for adjustment and decree by his own courts? Why is there any difficulty in the plan of sending each pensioner resident within a county in the State in which he resides, to his home court there—a court of record, of course; not to a single official, nor yet to the process of a jury trial, but allowing him to be heard before the court upon his depositions taken and to be taken in his own case? Under such a system he would be at home among his own people, where he is known, where his witnesses reside, and where the court can examine his case on his testimony and standing and determine it thereon, and on his already existing depositions; or the court may refer the matter to a commissioner or master, and thus arrive at the merits of his case after full investigation. He can be fully heard. The papers from the Pension Office can be sent there upon certificate; the court after hearing can render its decree; and that may be made final and conclusive in the case, and thus we may have an adjudication of these claims, speedily and justly. A home forum with a fair hearing is the best remedy for this clogged Department. Jurisdiction can be vested in the State courts in such matters, and I do not doubt that they would accept it and act.

But wherever there exists a district court of the United States we should give it power to hear the cases resident there of course, but outside of the counties in which exists United States district courts why shall we not use existing machinery? The people own State courts in which pensioner and Government may both be heard if they are willing to exercise this jurisdiction. In the case of a pensioner who is alleged to be fraudulently on the rolls, or of one who wants his claim expedited, we can send him there summarily or upon rule to show cause in which ever form we prefer. If after full hearing the court decrees him to be stricken from the roll all will agree that he is there by fraud, for it is only done after full hearing upon testimony brought into court where both he and the Government have been heard. Such a decree is only made after hearing upon testimony duly taken and entered of record. If it is desired to expedite a case we can send all these that now stand undetermined on the records of the Pension Office there to be carefully examined upon the papers in the office upon additional depositions, and upon the testimony of men who know him, his services, and his diseases. I venture to say that no State court would decline to take jurisdiction, and that the Legislatures of the State would promptly give this added jurisdiction if this were needed in order to accomplish the results we all desire. And if so, six months' work will clean up this enormous list. The amendment proposed by myself I now ask the Clerk to read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Pennsylvania will be read.

The CHIEF CLERK. It is proposed to add as additional sections to the bill:

SEC. 3. That for the purpose of discovering and preventing frauds upon the United States in regard to pensions, the Commissioner of Pensions, in addition to the powers now conferred upon him by law, shall have the right to cite any person now upon the pension rolls to appear before any district court of the United States, if such there be, within the county or parish in which the pensioner resides, or if none such there be, then before any court of record having a clerk and a seal within such county or parish, there to show cause why his name should not be stricken from the roll of pensioners; and such court shall hear the case upon depositions taken in the usual manner, and upon the proofs, certificates, depositions, and affidavits now on file in the Pension Office, which, for that purpose, shall be certified by the Commissioner of Pensions to such court.

SEC. 4. That in order to expedite the settlement of claims for pensions and arrears thereof now on file in the Pension Office, the Commissioner of Pensions is hereby directed to forthwith certify all such claims which have been on the files over six months and cannot be adjudicated by him within ninety days from the passage of this act, together with all papers, testimony, certificates, or other documents filed in or bearing upon each case, to the district court of the United States in the county or parish in which the person claiming such pension resides, or if there be no district court of the United States within such county or parish, then to any court of record having a clerk and a seal within such county or parish, there to be examined by the said court upon the papers, testimony, certificates, or other documents so certified, and such other depositions, proofs, and testimony as

may be submitted touching the same, under the rules and regulations hereinafter prescribed.

SEC. 5. That the person receiving or claiming a pension under this act shall be deemed to be in such court for all purposes touching his said case after the said court shall have before it a citation to him to appear in the same on a day certain, which shall, by oath thereto affixed, appear to have been served by a copy thereof mailed by the Commissioner of Pensions to his address at least twenty days prior to such day of appearance; and each of said courts is hereby vested with full jurisdiction to proceed upon written evidence to examine, adjudicate, and settle the question at issue under the proofs so brought before it and the laws regulating pensions, and its decree thereon shall be final and conclusive. If the said court shall adjudge the pensioner not entitled to a pension, his name shall be stricken from the rolls, or his claim taken as dismissed, as the case may be. If the court shall adjudge the applicant entitled to a pension, his name shall be placed upon the rolls at the rate per month fixed by the court; and no interference with or alteration of the said decree or of the sum so paid shall be permitted except upon action had in the same court, after formal notice for a rehearing as herein prescribed.

SEC. 6. That the district attorney of the United States in counties in which there is a district court, and the person in charge of prosecutions for crimes in other counties or parishes, shall act as counsel for the United States in all pension cases in such courts, and shall be entitled to a fee of \$10 in each case, to be paid by the United States. Costs of witnesses shall be paid by the United States when summoned by them under the first section hereof, but in no other case. The pensioner or the applicant himself may be examined under oath and his testimony be competent evidence in the adjudication of his case when cross-examined by the counsel of the United States, but not otherwise. The Attorney-General of the United States is hereby directed to make and publish a code of rules, as simple and direct as possible, regulating the mode of procedure in the cases hereinbefore named, which rules when so made are hereby prescribed for the guidance of the said courts in all pension cases coming before them under this act.

Mr. LOGAN. Do I understand the Senator to propose this as an amendment to this bill?

Mr. WALLACE. I intended to move it as an amendment to the bill, but as a matter of course the point of order made would rule it out. By this amendment I desire to express my anxiety as other Senators have done to the Senate, first, to aid in preventing the perpetration of the alleged frauds upon the Pension Department of the Government of the United States; and, secondly, to expedite the settlement, as far as may be by any suggestions I can give the Senate, of the pension cases that now hang unsettled in the Pension Department. This is simply the thought of carrying to the local courts in which the pensioner resides, first, the cases in which the Commissioner of Pensions alleges there are frauds; in such the pensioner is brought into court, and the question of fraud is heard and settled. Second, to send to the local court, the district court of the United States, or any court of record in the county where the pensioner resides, the cases now pending in the Pension Office, there to be heard on the papers now on file in the Pension Office, and upon such other depositions and papers as may be taken by either side in the future, and thus have the question of the right to a pension settled at the home of the pensioner, not by trial by jury, but by the examination of witnesses upon depositions, or by reference of the case to a commissioner or master who shall hear and report upon the same to the court, which in either case shall hear the proofs summarily and make a decree of the court thereon either for or against the claimant. My purpose is to endeavor to bring what aid I can to this subject. The means I would adopt are, first, the settlement of the question of fraud in the courts of the locality; and, second, the rapid adjustment there of the cases now pending in such vast numbers. Of course this amendment is liable to the point of order, as the amendment of the Senator from Virginia was. I simply desired to explain it, and leave it to the consideration of the Senate.

Mr. LOGAN. I desire to call the Senator's attention to one proposition he has in this measure of his. Of course I do not wish to discuss it, because it cannot come up for action. The section providing for the soldier being called before a United States judge, to show cause why his name should not be stricken from the roll as a pensioner, is certainly very peculiar language. In other words, it indicts the soldier and brings him before the court and he must prove his innocence of having defrauded the Government, or he is dismissed from the roll. What is the meaning of it?

Mr. WALLACE. Not at all. It is simply a rule upon him to show cause, to come in upon the allegation that he is fraudulently receiving a pension. What simpler method can there be? An allegation is made in the county in which he lives, and he meets it there at home.

Mr. LOGAN. I understand that; but the Senator provides that the pensioner shall show cause why he shall not be stricken from the roll. Did we ever hear of a man being arraigned in a court to show cause why he should not be sent to the penitentiary? It is the business of the prosecution to show cause why he shall be committed; but this is reversing all the rules of evidence and law. If the Government wants to act fairly it will call a man up and the Government will show cause why he should be dismissed from the roll, and not require a pensioner to show cause why he should not be dismissed from the roll. That is certainly reversing the rules.

Mr. WALLACE. That is a very trifling matter of detail. The question is, after all, where is the forum in which this man who is alleged to be a fraudulent pensioner ought to be heard. I allege that it is at his home and before a local court. That is the whole question, and the form of it is not material at all. He is not to be indicted, he is simply to be cited to appear and if you see fit to strike out the words "show cause," I am content with that amendment. If the Senator prefers the language he suggests I am content to amend it.

Mr. LOGAN. I said this cited him to show cause, and this amendment was like an indictment against him to show cause why he



should not be punished; it called on him to show cause why he should not be dismissed from the roll. That reverses all the rules of evidence that I have ever heard of in any court.

Mr. HOAR. I desire to ask the Senator from Illinois if that is not a mere technical phrase, which does not put the burden of proof on the man cited? It is a rule general in all equity processes, in all notices to respondents to petitions, to come into court and show cause why the prayer of the petition should not be granted. It does not change the burden of proof at all.

I desire, however, to make the point of order on the amendment because I do not think it worth while to spend a day in debating it.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The amendment has not been offered.

Mr. LOGAN. I do not wish to spend time either; but I desire to call attention to the fact—it may be technical or it may not be technical—that this is not like a chancery proceeding. This man is accused of crime; that is, he is to be dismissed from the roll because he is fraudulently on the roll; hence it is an accusation of fraud against him. Being fraudulently on the roll he can be dismissed, and hence the requirement for him to show cause why he shall not be dismissed does bring it in the nature of a criminal proceeding, because he is accused of a crime, for if he is fraudulently on the roll it is a crime.

Mr. KERNAN. Mr. President, I do not rise to discuss the proposition suggested by the Senator from Pennsylvania. I say, however, that when the Committee on Pensions or any other committee shall present a separate bill to facilitate the speedy adjudication of these claims in what I deem a fit and proper way, I shall certainly support it. But as I know this measure will be ruled out on a question of order, I wish to say one word on the amendment which has been held to be in order appropriating \$200,000 to enable the Commissioner of Pensions to employ more examiners and more clerks to speed the present machinery or action on these claims. It is no answer to that amendment to say that the Commissioner has not asked it. It is the duty of Congress to see that there is sufficient means appropriated to enable him to proceed more rapidly than he can do with the present force; and as that is in order, and as that very likely is all that can be done at this session, I trust that amendment will be adopted, and that we shall instruct the Commissioner to employ more force and to go on more rapidly than he can do now.

Mr. BECK. Mr. President, I have taken no part in this discussion because, though a member of the Committee on Appropriations, although I listened carefully to the arguments, I have never professed to be familiar with military affairs or with questions relating to safeguards necessary to be thrown around pensions; but the amendment now offered, if sustained by the Senate, will do no good except to enable the bureau to spend that much more money, I think in a useless if not an improper way. The Commissioner of Pensions does not pretend that he has not force enough now. He came before the committee and asked us to increase the salaries of a few of the employees that he has, his own included, as his report shows, but no suggestion was made as to the necessity of any such additional force as is here demanded. Now, on the suggestion of a Senator, without recommendation from the Department, without suggestion of the necessity for it before the committee, without anything to indicate that it would do any possible good, we are called upon to rent additional buildings and give \$200,000 more for clerks, and all for what? Under the admittedly defective system we now have, which it seems cannot be amended, we are urged to hurry through the great number of claims on the files that have been presented within the last two years, growing out of the greed of gain from the arrears-of-pensions bill, so that an immense amount of money may be made by claim agents, which they will secure if they can put through fraudulent claims in hot haste and escape detection, under pretext of doing prompt justice to honest claimants.

What the Commissioner desires, and what I think every Senator ought to desire, is a change of the system and a more public and efficient means of determining who are entitled to pensions, then pay them, and pay them promptly; but surely we ought to prevent those who are not entitled to pensions from receiving them.

The Senate has voted down or ruled out of order such a measure, and seems determined that there shall be no investigation into frauds, but that there shall be as many more clerks and employees who know nothing about it pushed into the Pension Office, even against the will of the Commissioner, so as to expedite the passage of the pending cases, whether fraudulent or not.

The Senator from California, the other day, alluding to some remarks I had made on another occasion, seemed to think that I had done injustice in my statement about arrears of pensions. The Commissioner of Pensions, after showing the immense stimulant that had been given to fraudulent claims by reason of the passage of the arrears-of-pensions bill, recapitulates thus:

Amount of arrears to old pensioners.....	\$25,293,963 66
First payments previous to July 1, 1880.....	8,821,836 09
Arrears in pending claims.....	192,000,847 50
Annual pensions to 125,000 new pensioners.....	284,185,000 00
Total.....	510,301,673 25

In stating this total I omit any account of the annual pensions to the new pensioners whose claims were on file in the office at the time of the passage of the arrears acts, but barred from further prosecution by section 4717, Revised Statutes, which was repealed by that act. The claims thereby revived number twenty thousand or thirty thousand.

Then he shows what it will include.

Third.—

He says:

Third. As to the amount annually paid out upon fraudulent pensions and claims: Under the secret *ex parte* system now in vogue for obtaining the evidence in support of claims, frauds are generally brought to the attention of the office by accident, such as an oversight or mistake on the part of the person attempting to commit the fraud, or voluntary information from some neighbor. Under such conditions, but a small percentage of the frauds are discovered, but even under these unfavorable circumstances, during the four years ending June 30, 1880, 1,531 pensioners were discovered who were illegally drawing pensions, and 1,567 claims were defeated, in which the claimants had already established, *prima facie*, their right to a pension. A very small percentage, probably not exceeding 5 per cent. of each of these classes, have been, or will finally be, restored to the rolls or allowed a pension, upon refuting the evidence tending to show fraud. The amount saved to the Government in accrued pension and annual pensions for the future, calculating the duration of the pension at fifteen years only, after deducting the 5 per cent. allowed for restoration, &c., was \$8,045,089.46.

While I do not believe it possible to eliminate from the pension-rolls all the fraudulent claims by any manner of means, yet, considering the whole case, it is my opinion that not less than 10 per cent. of the pensions appropriations are paid out upon fraudulent and illegal claims, which, by the adoption of a proper method for the preparation and presentation of the evidence in support of the cases, would be saved to the Government and the people.

He suggested, as I understand it, the bill introduced by the Senator from Virginia; he urged upon Congress the necessity of a public examination where a physician and an attorney should publicly examine the applicants and furnish the facts. Cases were reported to us, indeed I have been told of them, where men draw pensions because their hands are cut off that were taken off long after the war; cases are reported where men were without arms who lost them in disreputable ways outside of the Army and not connected with it are drawing pensions. So-called widows of soldiers have been married for years and are still drawing pensions as widows; in short, where two liars can be found in the slums of New York or anywhere else to swear them through a pension can be had and the Commissioner cannot prevent it; the pension agents at Washington, who are making fortunes out of this business, can get their share of the plunder, and they are the men, as Senators have stated on this floor, who have sent out all the petitions to be signed protesting against any public examination. And yet the Senate seems determined that it will allow no public investigation; it will pile up \$200,000 more to employ clerks and to rent additional buildings, to hurry up all the claims, and thus push them through as rapidly as possible, and make it impossible to detect frauds by giving time for investigation. Why, sir, look at the list filed in the report of the Commissioner.

In the year 1872 there were only 8,857 applications filed for invalid pensions and 6,755 for widows. In the year 1880, after we had passed the arrears-of-pensions bill giving each man a thousand dollars or more—the exact sum I do not know—110,673 invalid claims were filed, seven years after 1872, and it is fair to assume that in 1872 there would be more men filing claims than in 1880, and from widows there were 6,427 claims filed in 1873, and in 1880 25,602, stimulated of course to present any claim and to suborn any witness who would put it through on *ex parte* statements without either a public examination before a competent examiner or before counsel for the United States to take care of our interests. The present system is where the Commissioner says, and says truly, the great evil is. He is asking for no more help in his office; he is asking for more efficient means of detecting fraud. Ten per cent. on \$510,000,000, which he says will have to be paid on arrears of pensions alone, is \$51,000,000 wrong from the tax-payers of this country to pay fraudulent claims made out by *ex parte* statements, the truth of which no official knows anything about, and as to which the Commissioner has no power to inquire, and all the clerks you add will not help him.

That is the way the Senate is now expected to push through this bill. I did not expect to say a word about it, because I am not familiar with all its details; but what we need now is laws and regulations, not to hurry through fraudulent claims, not to push through the demands of pension agents who have worked up on *ex parte* statements the cases to 110,000 that they have filed of invalids, and to 25,000 those of widows, that they have worked up in this year, when the amount of money received is an inducement, as against the 8,000 invalids and the 6,000 widows seven years ago, when there was no such inducement. If they waited till 1880 to file claims, that fact alone is suspicious. The object ought not to be to add \$200,000 to hurry them through before investigation can be had, but to ascertain some fair, honest, careful way whereby the United States can be protected against fraudulent claims and whereby the honest pensioner can get every dollar he is entitled to. Those who have waited so long ought to be made to wait till every fact is fully considered.

Whether the law was good or bad, giving arrears of pensions, (I think it was a bad law,) I am sure it demoralized more soldiers than it benefited; it broke up the soldiers' homes, and much of the money has gone into the hands of men who speculated on the misfortunes of the soldiers. But be that as it may, the law allows it, and genuine soldiers ought to have it; but no honest man among them will object to having a thorough investigation made, whether pensioners are cited to show cause why the pension should not be taken away or whether they are cited to show cause why the United States should continue to pay them. The nearest neighbors of many of these men—so says the Commissioner of Pensions—would be surprised if they were to learn that pensions were being paid to people to whom they are paid.



It may be that the present Commissioner does not use the machinery now in his hands as efficiently as he ought. I do not know about that. He is evidently an industrious, bold, hard-working man. I sometimes think that instead of being commander-in-chief he is doing all the duty from corporal up; that he is taking too much on his own shoulders instead of making other people do it. I would select some man like General Wright, now at the head of the Engineer Corps; some man like General Walker, now at the head of the Census Bureau; some man who had not only the ability but the will and the courage to make every subordinate do his duty, and I would pay him \$10,000 a year to see to it that every man he sent out to detect frauds went to the bottom of every suspected case in every congressional district. I would furnish each agent with a list in every district and every county. I would call in the postmasters and the revenue officers and officers of the courts everywhere to give an account of all these people; to tell who married, who died, what children were of age, who were fraudulent, who were honest, and I would spend, if necessary, to stop the payment of one million of fraudulent claims \$2,000,000 or any amount required to prevent one million from being stolen. I do not mean to stand upon the amount of money necessary to have the laws enforced; what I desire is to stop stealing and pay salaries sufficient to get the men who can stop it. If Mr. Bentley, the present Commissioner, cannot there are men who can, and I would pay them well to do it. If necessary detach the Pension Office from the Interior Department altogether; make it a separate organization; make its head the master of the situation.

The Senator from Illinois, who knows so much about this—much more than I do—if the bill presented by the Senator from Virginia is not good, and if that presented by the Senator from Pennsylvania is not good, can, in my judgment, suggest the means whereby some efficient man whom he can name, if paid salary enough, with a corps of efficient men, can stop nine-tenths of the corruption going on now, and I hope the Military Committee or the Pensions Committee, or some committee that knows how to do it will do it, and do it at once. All I say is that the present amendment will do no good; it will only facilitate fraud.

Mr. JONES, of Florida. Did I understand the Senator to say that the report of the Commissioner admitted that 10 per cent. of the claims now paid were fraudulent?

Mr. BECK. I will read in a few lines the language of Commissioner Bentley as contained in a communication addressed to Mr. DAVIS, chairman of the Committee on Appropriations, dated January 20, 1881:

While I do not believe it possible to eliminate from the pension-rolls all the fraudulent claims by any manner of means, yet, considering the whole case, it is my opinion that not less than 10 per cent. of the pensions appropriations are paid out upon fraudulent and illegal claims, which, by the adoption of a proper method for the preparation and presentation of the evidence in support of the cases, would be saved to the Government and the people.

That is the language of the Commissioner.

Mr. LOGAN. Mr. President, I supposed this discussion was over and I do not wish to continue it, but I cannot sit quietly in my seat and listen to the statements which are made without giving my opinion in reference to them. That same statement that in the opinion of the Commissioner of Pensions 10 per cent. of the money paid out was paid out on fraudulent claims has been made over and over again in the Senate Chamber. I said only a few days ago, and I repeat now, that until the Commissioner of Pensions or somebody else can give us the data upon which he formed his judgment about the frauds that are committed on the Pension Office, I must disregard that statement. That was one of the objections I made to the statement of the Commissioner of Pensions a few days ago, that it was only his opinion. Think of a man throwing out his opinions before the country in order to stigmatize pensioners as receiving money fraudulently! And the Senator from Kentucky said whenever you found two liars, a pension claim could be made out.

Mr. BECK. I did not mean to refer to Senators. I referred to men assuming to be entitled to pensions who were not; and if they would claim pensions when not entitled they would get men to swear to lies to enable them to get pensions.

Mr. LOGAN. The suggestion was that wherever there were two liars, that is two persons who would swear falsely, a case could be made out.

Mr. BECK. That is it.

Mr. LOGAN. Does not the Senator from Kentucky know that wherever a man claims a pension because his hand is off, because he has lost his arm, or lost a leg in battle, the records in the War Department are relied on to show that fact? And will he state it to go to the country that men can obtain pensions for the loss of legs or arms in this country by getting two false witnesses to swear falsely to the requisite facts. It is exactly these statements that I protest against, because they are not made upon anything that is correct. Will the Senator from Kentucky state that he knows of any person drawing a pension to-day on account of the loss of an arm or a hand or a leg who lost it after the war was over? I ask the Senator if he knows that fact? He said such cases came before the committee. Does he know the fact that persons are drawing pensions who lost a leg or an arm after the war was over, not in battle but in some disreputable place?

Mr. BECK. I know it as well as I know many a thing. I never saw it; but from the information of men who know all about it and

have given names, I know it. In the city of Louisville it is common talk among the policemen that the agents never discover such cases, and they name the men and where they are. I am not a detective, nor do I know these facts myself.

Mr. LOGAN. If it be true that there are men drawing pensions for the loss of an arm or a leg who lost it in a disreputable way after the war was over, it only sustains what I said, that a new Commissioner with the old law is better than the old Commissioner with a new law. It only proves that there is a want of capacity to administer the law as it now exists. I must say to the Senator from Kentucky, not wishing to dispute anything he says, that I do not believe any such case exists. It may exist, but I should have to have evidence of it before I would believe it, because I know that a pensioner obtaining a pension for a wound received in battle or in the line of his duty must have record evidence of that fact. No two false witnesses can obtain a pension for a man; that is entirely a misjudgment of the law. The law is this: where any fact cannot be proven by the record in reference to the contraction of the disease, either the officer of the command in which the soldier served or two of his comrades who were acquainted with the fact when it occurred must swear to the fact. That is the law; so that a man cannot get a pension by obtaining false witnesses in the slums and sloughs of New York. He must get it by the oaths of his comrades to sustain the record. Where the record fails it must be on testimony by his officer or his comrades. The only instance where outsiders testify is to the disease continuing. His neighbors may testify to that; his family physician may testify to that; but when it comes to the fact on which the pension is based, it must be on the records of his country or by the testimony of his comrades. A better examination of the law by Senators perhaps would give them a little more information in reference to the question.

Now, sir, a word in reference to the alleged frauds. The Commissioner of Pensions shows in his report that he had \$40,000 given him to detect frauds, and he says he has only used \$26,000 of it. Whose fault is it, then? He has a right to detail one hundred and fifty special agents, if he chooses all his office, to examine and detect frauds, and the money has been appropriated for that purpose; and yet Senators stand on this floor and denounce poor, unfortunate men as being frauds or adopting fraudulent practices in obtaining money from the Government with all the means at hand to detect them and they are not detected. That only proves what I said before.

As I said, the machinery of this Government as it now exists is ample. All you want is to put it in force and put a man there who will organize your department, will separate the claims and the evidence as brought in, and pass upon the cases at once; then take up those which have been laid over and examine them.

If the Senator from Kentucky were in charge of the Pension Office, or if I were in charge of it, my judgment is that when we examined a case and said to the claimant that he should procure further evidence we would not say to him, you must procure evidence on this one point, but on every point in the case; we would say to him, you want evidence on this point, on this second point, on this third point, on this fourth point, and so let him cover all at once if he could honestly do so. But when your Commissioner of Pensions calls attention to one point, and when the pensioner covers that, then he calls his attention to another point, he covers that, and then he calls his attention to another point, he covers that, and then he calls his attention to another point, and he covers that, taking from one month to two months to get the testimony on each point, and in that manner delays the applicant.

That is one of the reasons why your law is not executed and your pensioners are complaining. It is because of these delays that are brought about by the officers themselves, and by the men who examine these cases, by not stating the whole thing and letting the pensioner have a chance to examine it all and state the entire facts. I state what I know about it. I have letters now in my possession which show that four or five different points in a case have been examined, one at a time; when one was made sufficient, then another would be suggested. No business man would do that; no man who wanted to facilitate the examination of these pension claims would do that; but that is exactly the way it is managed, and that is the reason of your delay and the reason why you complain. Many men complain merely of the method of the Commissioner of Pensions, who desires to get up some kind of machinery outside of the present law; and that machinery not going fully into operation at once, perhaps when the new administration comes in the necessity will arise for the same machinery with the same engineer to put it in operation. Now, I want no such thing. I want the pensioners to have a fair chance under the law as it now exists, and if they have that they have no right to complain, and if your Commissioner will administer it you will have no right to complain, or I. It is because the law is not administered as it ought to be administered that complaint arises. It is not the fault of the law, but the fault of the administration of the law.

Mr. BLAIR. Mr. President, this matter has been discussed at very great length, and it seems to be understood that the whole discussion is irrelevant, because out of order. I should like, however, to participate for a moment in the discussion so far as to say that the remarks of the honorable Senator who has just taken his seat on the last point covered by those remarks I think do serious injustice to



the Pension Office. I have had some little business communication with that office. I know that the course of proof is in the first place when the application is filed for the bureau to call upon the applicant for evidence in respect of the various points necessary to be maintained in order to establish the claim for a pension; those points are all specified, and he is called upon for the evidence to sustain them. When that evidence returns to the office it very seldom, on account of various informalities, is satisfactory proof of the various points to be established; and thereupon the office restates, so far as necessary, what is established; if one point is proven it is stated; if another is not proven the applicant is called on for further evidence to establish that point; and it is not at all strange that before all these points are finally examined a large and extended correspondence should take place.

There is much that might be said of the merits of the bill which has been ruled out of order and upon which I had, if it were ruled in order, desired to be heard. I think it was a good bill, provided it had been substantially amended in many respects. It was only a partial thing as it stood, and would, I believe, have operated unfavorably in practice as it then was, and yet it did strike at the real difficulty in the Pension Office, which is not the lack of testimony—Heaven knows there is enough there now. The difficulty is they have too much testimony, and they are not able to believe it; they have more than they want, such as it is, and the effort of the bureau is to devise some way in which they can obtain reliable testimony bearing on the cases which are there pending. That cannot be done here by an accumulation of a greater amount of precisely the same testimony, subject to precisely the same objections as that which they already have; and this testimony, taken with such formality and subject to so many reasons of suspicion in so many cases as experience has demonstrated, has produced all through that office a chronic state of suspicion so that no man goes into that office with a fair chance. I have known instances in my little connection with that office where a case being proved overwhelmingly, it seemed to be rejected for the very reason that there was sufficient proof, and the next case would be rejected for the very reason that there was none, and so the applicant is between the devil and the deep sea. If he proves his case they reject it because they say it is not possible to get so full and complete evidence to establish the case as the man has here; it is almost unknown in practice; there is too much of it; it is too good a case, and they are suspicious of it for that very reason, or at least they seem to be. On the other hand, if a man is only able to produce a part of the testimony, and that may be very honest and reliable testimony, the case is rejected on that account. So it goes.

Here I feel bound to say that I believe the Commissioner of Pensions is a true, honest, and capable gentleman, and that he has devoted himself to the discharge of the duties of that important and difficult office with an assiduity and with an ability worthy of all praise, and it will be a fortunate administration that is able to appoint as able a successor as he is himself. But let that pass.

The Pension Office is, in my belief, to-day unfit to consider evidence. It is simply an organized suspicion, and if I had control of that office I would abolish very largely its *personnel*, and I would put in there men who were capable of understanding and weighing evidence, and who were capable of coming to a conviction after they had perused it and examined it, which seems to be the difficulty with the men now there. But there they are; there is the Pension Office with three hundred and fifty or four hundred men who are engaged in the practical administration of the pension law, and there they are likely to be. We are not going to abolish it. We have just taken action which practically precludes Congress from doing anything at the present session to remedy the great evils under which the applicants for pensions are now suffering. I see nothing that we are likely to do excepting to add to the evil, though a little good does come from it, by appropriating the \$200,000 which the Senator from Kansas proposes to give. I think it had better be given. It will be largely wasted; it will develop to a still greater extent existing evils; but at the same time it will result in the allowance of a few claims. The evil has become so outrageous, so wicked, the wrong and oppression which this great nation is exercising upon those who have shed their blood in its defense and to whose sacrifices it owes its present existence are so great, that I will seize any opportunity of affording even the slightest relief. The only thing we are likely to do at the present session is simply to give a little more money, to be practically wasted, as very much of that has been which has been given in the past.

Therefore I support this amendment. It will do some good. It is half enough to carry into practical operation the bill proposed by the Committee on Pensions, for I believe it would pay two hundred of the proposed examiners, and pretty much all these cases are within the limits of two hundred congressional districts of the country. But however that may be, it is too late. The money had better be given to add to the efficiency of the bureau for the present session, and I do hope that by some future Congress the evil may be taken hold of in a statesmanlike way, and that some means may be devised to obtain something which will command the conviction of the human mind, which will secure to the claimant an honest and an impartial tribunal. I think the very bill which has been rejected might have been amended by a word in a way to do away with one great evil that exists. Suppose the pension examiners, which it was proposed to appoint, had been made judges of the fact as well as simply com-

missioners to take the testimony. The bill contemplated that they should be men trained in the law; men accustomed to the consideration of evidence; who could weigh it, who could consider it, draw conclusions from it; men like masters in chancery, commissioners to pass upon questions of fact. If in addition to the function of taking evidence these men had been charged with the duty of passing an opinion upon the force of that evidence, and should be required to make their report to the Department at Washington with their findings of the facts, and that finding should have been made *prima facie* evidence on which a pension should be granted—had that been done this difficulty would have been almost entirely obviated, and the idea of my honorable friend from Pennsylvania, of a court, would have been met. We should have had the advantage of a man living in the locality, acquainted with the people throughout the district, able to judge whether it was probable those who appeared before him told the truth, and he would have the great advantage of personal inspection of the witnesses who testified, and he would be able more than any other man, however capable that other might be, to render an honest and correct decision upon the evidence before him; and that would have relieved the Department at Washington.

What are they doing at the Pension Office? Undertaking with testimony which they do not believe in, to be sure, but theoretically undertaking to pass upon these questions of fact upon the evidence before them. That is what they are undertaking to do; that is their business. If this were devolved upon an examiner living in the locality of the pensioner, it would not require to be done here, and the force in the Pension Office could be very largely discharged; it could be lessened by at least the number of examiners to be appointed throughout the country, so that the expense being reduced here the total expense of the administration of the pension laws would be very slightly, if at all, increased. A few other modifications might have been made in that bill, which would in effect have removed every objection which has been urged against it.

I pay but very little attention to these allegations of fraud, I sympathize with the views of the honorable Senator from Illinois in that regard. There are some frauds, to be sure; but the administration of law generally throughout the country, in my belief, is attended with very much greater frauds than are committed in the Pension Office to-day. There may be some. I am willing that the country should bleed a little in that direction rather than that the honest claims of so vast a number of pensioners should go unheard and unsatisfied. There are substantially 300,000 of these claims now pending; they are coming at the rate of from eighteen to twenty thousand a year; they are coming in on the Pension Office faster than they are being disposed of. There are nearly two thousand of these claims in every district of the United States which has any considerable number at all.

Mr. LOGAN. I desire to call the attention of the Senate to the statement so often made that there are 300,000 pension claims now pending, and I have been on one or two occasions compelled to correct it. The report shows 300,000, but that includes all the claims that were rejected. There are over 80,000 claims rejected. There are but little over 200,000 claims pending now and not examined.

Mr. BLAIR. The Senator, however, is aware of the fact that not one of those rejected claims is finally disposed of; every one of them is liable to be called up at any time, and when one of those cases is called up it necessarily requires a lengthy investigation, and absorbs very much more time than an ordinary claim.

Mr. LOGAN. I merely wish to get the fact to the country that of the 300,000 claims said to be now pending and waiting examination over 80,000 have been examined and rejected. That is the fact.

Mr. BLAIR. Yes, they have been rejected, and universally almost to the dissatisfaction of the applicant; and as long as he lives, believing in his claim, he will try to make an effort to have it allowed. I do not think the Commissioner of Pensions can be charged with an effort to mislead the country in stating the number as he does at 280,000 and coming in continually at the rate of from 1,800 to 2,000 per month. I think that is the truth in regard to it, and I think that under the existing law or the administration of the law we shall not gain on the pension applications for five or ten years to come; the applications will gain on us, and some method will have to be devised in order that they may be disposed of.

Now permit me to say a word in regard to the justice of that bill providing for the payment of arrears of pensions to those whose names are already on the roll. I believe that bill was one of the most just and honorable bills ever enacted by Congress. What was the nature of it? We took the pensioner whose name was upon the roll, who it may be after years of effort had been able to establish the honesty and justice of his claim; we had passed upon it; we had rendered judgment upon it; and the Government was stopped to say that it was paying that pension fraudulently or wrongfully. Other men had applied seasonably and they had drawn pensions from the date of disease or of disability or of the death of the person on whose account the pension was paid; their pensions were from the date of discharge, of disability, or of death all the way down. The Government of the United States, when it provided for the payment of arrears to those who made their applications much later in life, simply gave them not the aggregation of the installments as they would have been paid, but simply the installments themselves, and the United States gained more by the delay of the applicants, considerably more



in very many instances by the use of these installments in the nature of reserved interest, than the pensioner himself received. So it does not lie in the mouth of the United States to say that the pensioner was at fault for having delayed his application or that by reason of his having failed to file his claim it should be considered as less meritorious or less just. It is not the case where when a man's claim has not been established and proved when presented he is allowed subsequently to be paid back to the beginning. By no manner of means, but we pay the man who has fought his way through to the allowance of his claim arrears from the beginning, and the gain is wholly on the side of the country by virtue of this delay.

But, sir, I am aware, as I said in the beginning, that this is all out of order; still, as much is being said in the way of suggestion with reference to the possible framing of some bill which may be a remedy for this evil in the future, I felt at liberty to make these, as I should like if time permitted to make other suggestions.

Mr. SAULSBURY. Mr. President, I have taken no part in the discussion of this question, and do not think it proper to occupy the time of the Senate with any views in regard to it after the matter has been so thoroughly debated as it has been; but I cannot suffer the pending amendment to become incorporated in this bill without at least expressing my opposition to it.

This is the first instance in the history of the country, so far as I know, where there has been any disposition on the part of the Senate or of either House of Congress to force on any Department of this Government or any bureau of this Government assistance in the way of additional clerks or examiners, that has not been requested or the necessity for which has not in some way been suggested by the Department or bureau itself.

The Government has various heads of Departments and heads of bureaus who have charge of the matters pertaining to their own particular stations, and in the past history of the country there has not been too much hesitation on the part of any of these heads of Departments or heads of bureaus in making known to Congress at any time when they needed additional clerks or additional force of any character.

It is to be presumed that if additional force in the way of clerks or examiners was necessary in the Pension Bureau, the officer who has been referred to frequently in this debate, commended by some and censured by others, would have come to Congress and made known to them the wants of the bureau over which he presides. But an anomaly has occurred in the history of the legislation of the country. In the Senate of the United States the grave proposition is made to add clerks and employes to one of the Departments of this Government, at a cost of \$200,000 annually, for which they have not asked and perhaps for which they will not thank you.

I rose simply to emphasize this anomaly in the history of our legislation. It is gravely proposed in the Senate of the United States, without even consulting the Commissioner of Pensions, to thrust upon him, not knowing that he has a single desk at which he can place an employe, an examiner, or a clerk, \$200,000 more for assistance to enable him to perform the duties of the office. We ought to hesitate, even if it was desired by the Commissioner of Pensions; we ought to examine into the necessity of it, to see whether he could utilize such a force properly, whether the expenditure would be a proper expenditure or not; but instead of doing that we come here without his leave or license and compel him to accept the services of clerks and examiners that will cost \$200,000.

This much I desired to say upon the particular amendment now pending before the Senate. In reference to the general question of frauds on the pension-roll, that is a matter of which I have no personal knowledge and therefore of which I cannot speak from any knowledge of my own; but I had the honor when I first came into the Senate, nearly ten years ago, of being placed upon the Committee on Pensions, and I served upon that committee, I think faithfully, for two years. I know that at that time, in 1872 and 1873, it was alleged that the then Commissioner of Pensions—whether he did make that allegation or not I do not know—estimated that the frauds upon the pension fund amounted to nearly 20 per cent. I do not know that these frauds exist, neither do I know that the then Commissioner of Pensions so averred, but I believe that every Commissioner of Pensions from that time to this, so far as I have heard, has expressed his opinion that there were frauds committed on the pension fund and that there were pensioners now on the pension-rolls drawing pensions who had no right to be there. A late Secretary of the Interior, I believe, stated on the floor of the Senate that his experience connected with the Interior Department had satisfied him that gross frauds had been committed upon the pension fund and that many persons were placed upon the pension roll who were not entitled to be there.

Now, it is not surprising that this should be the case. The Senator from Illinois a few moments ago said that Senators ought not to make such allegations without any data. I suppose he meant without assigning any reasons for the opinion entertained. We all know who have served on the Pensions Committee, as the Senator from Illinois has, how claims are established before the committees of Congress and how they are established also before the Commissioner of Pensions. Many facts are proved by the *ex parte* statements of individuals subject to no cross-examination; and every man who has practiced law to any extent knows that many a time parties would come into court and testify so as to make out their own case did they not know

that they would be cross-examined on the very facts necessary to establish their case. Yet on these facts established by *ex parte* testimony there is no cross-examination. If the witness is a man of character, this may not be so important; but if he is not a man of character, if he is regardless of the oath he has taken, there is no certainty that the affidavit which he makes is verity itself.

I believe that one of the greatest duties devolving on Congress at the present time is to devise some mode by which not only the pending claims can be examined but by which the entire pension roll can undergo a thorough investigation. Many of the men who are now drawing pensions have been placed upon the roll on affidavits that were deemed conclusive, but which on a revision of the whole subject may be proved not to have been correct.

I shall cheerfully vote for any proper bill that looks to the thorough revision of the pension roll. I would deprive no man entitled under the laws of the land to a pension, of that which has been awarded him; nor can any man who is on the pension roll rightfully, whose claim is a valid one, object to the examination of his case, as well as of every other man's case, in order to purge the pension roll of any fraud that exists, and it would be a public service performed to the honest pensioner himself, and it might protect the Government against this great and enormous fraud which has been alleged to exist, amounting, as the Senator from Kentucky, under the statements of the Commissioner of Pensions, said, to 10 per cent., and amounting in the arrears of pensions alone to more than \$50,000,000, if that statement is correct. As to its correctness I cannot say. But when men charged with the performance of the duties of Pensions Commissioner report to Congress that such is the fact, I ask, does it not become an imperative duty of every Senator to give the subject that examination which will enable him to ascertain the truth or falsity of the statements made by the Commissioner of Pensions himself?

Now, in reference to the arrears-of-pensions act, I have heard that act lauded to the skies. I have no censure against the gentlemen who voted for the act, but I regard the vote which I gave on that subject in opposition to the law which gave arrears of pensions as one of the best votes I have given in my ten years' service in this body. The soldiers themselves were not clamoring for arrears of pension. The whole scheme was worked up by the pension agents. They were the men who got up the cry of arrears of pension. The pensioners as a general rule were satisfied with the bounty of the Government, but the men who were making money as pension agents tried to create a cry throughout the country in favor of that bill. I think it was a very unfortunate act. Doubtless it has put money into the hands of many men, but it was a gratuity, not a debt, as has been asserted in this debate. The pensioner was already receiving all that the Government promised him, all that he was entitled to under the existing law; but in our magnanimity, inspired by patriotism perhaps—I shall not attribute any other motive to the act—we in our magnanimity conferred a gratuity upon men who were already receiving all that they were entitled to under the laws of the country, a gratuity which amounts, according to statements that are made, to not less than \$500,000,000. I recorded my vote against that bill, and I am proud that it is upon record. In my place in the Senate I gave my vote against it.

I did not intend, Mr. President, to occupy this much time in the discussion of the subject. I know how futile it is to oppose any measure which seeks to promote, directly or indirectly, the interests of men claiming the bounty of the Government as soldiers; but I simply desired to enter my protest against the pending amendment which proposes to place employes in the shape of clerks and examiners in the Pension Office for which neither the Commissioner of Pensions nor any other officer of the Government has ever made a request.

Mr. JONES, of Florida. Have we not heard statements that there are at least two hundred thousand cases pending there undisposed of? Does not the accumulation, in point of fact, of this large number of applications sufficiently indicate to Congress the necessity for an additional force?

Mr. SAULSBURY. The report of the Commissioner of Pensions discloses the fact that our action in granting arrears of pensions has multiplied fivefold, I believe, the applications for pensions in the last twelve months; but it discloses this further fact that, with the force at his command now, he has examined some 20,000 claims more than any other Commissioner has examined in the same length of time. He has examined, I believe, 55,000 or 56,000 claims in the last year, some 20,000 more than ever were examined in twelve months by any Commissioner but him. So while his report does disclose the fact that there is a great accumulation, it gives us the cause of that accumulation, the arrears-of-pensions act which has caused every man who could possibly conceive that he had a right to the vast sum of money given to the soldier, to make application; but while he has disclosed that fact, he has also disclosed that there has been an assiduity on the part of the Pension Office that is praiseworthy, because he shows the fact that he has examined a much larger number of claims than were ever examined before in the same period of time.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas, [Mr. PLUMB.]

Mr. TELLER called for the yeas and nays, and they were ordered. Mr. BOOTH. Mr. President, I only desire to say one word. I should have preferred that there could have been some substantial

amendment to the method of administration in the Pension Office, but that has been decided to be out of order. I should greatly have preferred that this amendment should be made to the legislative, executive, and judicial bill where it could have been considered by the committee under advice from the department, but the Senate has decided that the amendment is in order upon this bill, and believing that some legislation is necessary in order to expedite the business of the office, I am constrained to vote for the amendment.

Mr. BAILEY. I ask that the amendment be read.

The CHIEF CLERK At the end of line 17 it is proposed to insert:

To provide fifty additional examiners and for rent for additional rooms or buildings therefor for the Pension Office, and the number of clerks for the Pension Office and Adjutant-General's and Surgeon-General's Offices, respectively, necessary to render effective the work of said examiners, the sum of \$200,000, to be immediately available.

The Secretary proceeded to call the roll.

Mr. WINDOM, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. DAVIS.] If he were present I should vote "yea." I presume he would vote "nay," and therefore I withhold my vote.

The roll-call was then concluded; and the result was announced—yeas 39, nays 21; as follows:

## YEAS—39.

Allison,	Dawes,	Kernan,	Ransom,
Anthony,	Ferry,	Kirkwood,	Rollins,
Baldwin,	Groome,	Logan,	Sanders,
Blair,	Hampton,	McDonald,	Slater,
Booth,	Hill of Colorado,	McMillan,	Teller,
Bruce,	Hoar,	McPherson,	Thurman,
Burnside,	Ingalls,	Morrill,	Vest,
Call,	Jones of Florida,	Paddock,	Voorhees,
Cameron of Wis.,	Jones of Nevada,	Platt,	Williams,
Conkling,	Kellogg,	Plumb,	

## NAYS—21.

Bailey,	Farley,	Lamar,	Walker,
Brown,	Garland,	Maxey,	Whyte,
Butler,	Harris,	Morgan,	Withers,
Cockrell,	Hereford,	Pugh,	
Coke,	Johnston,	Saulsbury,	
Eaton,	Jonas,	Vance,	

## ABSENT—16.

Bayard,	Carpenter,	Grover,	Randolph,
Beck,	Davis of Illinois,	Hamlin,	Sharon,
Blaine,	Davis of W. Va.,	Hill of Georgia,	Wallace,
Cameron of Pa.,	Edmunds,	Pendleton,	Windom.

So the amendment was agreed to.

Mr. PLUMB. I move to amend by adding as an additional section to the bill:

The provisions of section 2 of chapter 187, third session Forty-fifth Congress, approved March 3, 1879, be, and is hereby, so amended as to extend the limitations therein stated to the 1st day of July, 1883.

The proviso of the section referred to in this amendment is in these words:

*Provided*, The application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day July, 1880, otherwise the pension shall commence from the date of filing the application.

The effect of my amendment is to extend the right of filing claims, so as to carry with them arrears, until the 1st of July, 1883.

Mr. BOOTH. Upon that amendment I raise the question of order. It is legislation upon a general appropriation bill.

The PRESIDING OFFICER. The Senator from Kansas offers the amendment which has been read. The Senator from California raises the question of order whether it is in order, being general legislation upon an appropriation bill. That question the Chair will submit to the Senate. Is the amendment offered by the Senator from Kansas in order?

Mr. CONKLING. May I ask the Chair to cause to be read the provision in the bill, to which this is an amendment.

The PRESIDING OFFICER. This is a new section.

Mr. CONKLING. But what is the subject-matter of the bill to which the amendment is supposed to relate? What does it follow in the bill?

The CHIEF CLERK. The second section of the bill is in these words:

All pensions payable, or to be paid under this act, to pensioners who are inmates of the National Home for Disabled Volunteer Soldiers shall be paid to the treasurer or treasurers of said home, to be disbursed for the benefit of the pensioners under regulations to be established by the managers of the home; said payment to be made by the pension agent upon a certificate of the proper officer of the home that the pensioner is an inmate thereof and is still living. Any balance of the pension which may remain at the date of the pensioner's discharge shall be paid over to him; and in case of his death at the home, the same shall be paid to the widow or minor children under sixteen years of age, if any there be: *Provided*, That nothing herein contained shall be construed to prevent an absolute assignment of his pension by a pensioner having neither wife, child, nor parent dependent upon him, as now provided by law.

It is proposed to add:

SEC. 3. The provisions of section 2 of chapter 187, third session Forty-fifth Congress, approved March 3, 1879, be and is hereby so amended as to extend the limitations therein stated to the 1st day of July, 1883.

The PRESIDING OFFICER. Is this amendment in order? Those Senators who believe it is will say "ay;" those opposed will say "no," [putting the question.] The yeas have it, and the amendment is decided not to be in order.

The bill was reported to the Senate as amended.

Mr. INGALLS. I wish to reserve for a separate vote in the Senate the amendment that I offered striking out the provision relative to the payment of Indian pensioners in installments, and also the vote by which section 2 of the amendments offered by the Committee on Appropriations was agreed to in Committee of the Whole.

The PRESIDING OFFICER. The Senator from Kansas reserves the amendments indicated.

Mr. BECK. I ask for a separate vote on the amendment of the Senator from Kansas [Mr. PLUMB] giving \$200,000 for clerks not desired by the Department.

Mr. ALLISON. Is that the language of the amendment?

Mr. BECK. I want a vote on that.

The PRESIDING OFFICER. That amendment will be reserved. How will the Senate act on the amendments made as in Committee of the Whole?

Mr. HARRIS. Let us vote on all except those reserved.

The PRESIDING OFFICER. All the amendments not excepted or reserved will be submitted to the Senate in gross. Will the Senate agree to the amendments which have been adopted as in Committee of the Whole, and which have not been reserved for separate votes?

The question being put, it was determined in the affirmative.

The PRESIDING OFFICER. The question will now be upon the amendments reserved by the Senator from Kansas, [Mr. INGALLS.]

Mr. INGALLS. My object in reserving section 2 and asking for a separate vote on that was for the purpose of calling attention to the proviso, which is in the following language:

*Provided*, That nothing herein contained shall be construed to prevent an absolute assignment of his pension by a pensioner having neither wife, child, nor parent dependent upon him, as now provided by law.

The fact is that such an assignment is not "now provided by law." It has always been regarded with special disfavor by law as opening the broadest possible of all avenues to the perpetration of fraud upon the Pension Department. I therefore move to strike out from the second section of the bill as agreed to in Committee of the Whole the proviso contained in lines 13, 14, 15, and 16 in the words that I have read.

Mr. BOOTH. I hope the motion will be adopted. On an examination of the law such as I have been able to make since the bill was reported I can find no such provision of law, and I think there is no necessity for the language. It leaves a doubt on a point which ought to be clear.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas to amend the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The amendment, as amended, was concurred in.

Mr. INGALLS. The Senate, in Committee of the Whole, by a vote of 25 to 25, declined to agree to an amendment I offered to strike out the following words in lines 24, 25, and 26:

And accrued pension due the Indian pensioners shall, in the discretion of the Commissioner of Pensions, be paid in installments.

I stated before the committee that in the Indian country, among the civilized Indian nations, a brigade of three regiments was raised, officered by men of their own blood, that rendered distinguished services to the Union cause throughout the war under a Union general. These men fought for the country; they were wounded in its defense and have by due process of law been declared to be entitled to pensions. We have for several days been engaged in discussing how we shall make the Indians self-supporting and how we shall endue them with the rights of manhood. I submit again to the Senate that if we persist in treating civilized Indians as children, as *non compos mentis* and in putting them under guardianship, we shall certainly make no progress in the direction that has been indicated as desirable heretofore under the bills that have been pending.

I submit again to the sense of justice of the Senate, for which every place has been declared to be a temple and every season summer, whether this restriction shall not be removed, and whether these men having shown themselves to be entitled to pension shall not receive it like every other dependent upon the bounty of the Government. I ask again for a vote upon this amendment, and I ask the Senate to concur with me in saying that these men who have been declared to be entitled to pension shall receive their pension and not be placed under the guardianship of the Secretary of the Interior or the Commissioner of Pensions and have the sum awarded to them dealt out in dribbles as he may see fit in his discretion to dispose of it to them.

The PRESIDING OFFICER. The Senator from Kansas moves to strike out the sentence beginning in line 24 and ending with line 26. The question is on this amendment of the Senator from Kansas.

The amendment was agreed to.

The PRESIDING OFFICER. The next reserved amendment will be read.

The CHIEF CLERK. In line 17, after the word "dollars," the Committee of the Whole inserted:

To provide fifty additional examiners, and for rent for additional rooms in buildings therefor, for the Pension Office, and the number of clerks for the Pension Office and Adjutant-General's and Surgeon-General's Offices, respectively, necessary to render effective the work of said examiners, the sum of \$200,000, to be immediately available.

Mr. WITHERS. I wish to say one word, though I had determined



not to say anything more. It is evident that the views of the Committee on Appropriations have no weight with the Senate whatever, and the opinion of an individual member of the Senate is made to outweigh the opinion and recommendation of the head of a Department and of the Commissioner of Pensions. I would merely call attention to the very anomalous procedure, as I conceive it to be, when a single Senator, on his own judgment of what is necessary and right, gets up in the Senate and moves to increase the clerical force in one of the Departments to an indefinite amount, fifty examiners with a large force of clerks in that Department, such force not being specified, when we had the assurance of the Commissioner of Pensions and the Secretary of the Interior that the increase of the clerical force made in that office a year ago was as much as could be utilized, and that no additional increase of force could add anything to the promptitude with which pension claims could be considered and determined.

I wanted to call attention also to the fact that the legislative, executive, and judicial appropriation bill is the one upon which uniformly it has been the practice of the Senate to ingraft such amendments as the one now presented for consideration, when in the judgment of the Senate they were necessary. They have never been put on the pension bill proper, nor the other regular appropriation bills; but the legislative, executive, and judicial bill is so capacious as to provide for any regulations that may be required with regard to the clerical force of the various Departments, and I can conceive of no just or good reasons why this should be made an exception and attached to this bill without giving an opportunity to those who have control of the legislative, executive, and judicial appropriation bill to ascertain the facts in the case and determine if in their judgment the increase is likely to be effective; because if it be not, and my information is that it will not be, it will simply be an addition of \$200,000 or \$300,000 for the expense of two or three or four hundred additional clerks, without any probability that we shall have any more pension cases determined than if the present force is allowed to remain as it is. There is ample time before the passage of the legislative bill to ascertain these facts. If it shall be established here that it will increase at all the efficiency of that department or facilitate the decision of pension cases, I will go as far as the farthest, as I have done in the past, in voting whatever increase may be necessary to secure the largest possible clerical force which will secure the prompt decision and adjudication of the vast arrears of cases now pending.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. BURNSIDE. I rise to obtain some information in regard to this amendment which appropriates \$200,000. As I understand it, the money is to be expended by different Secretaries, by different Departments. I do not see exactly how it is going to be divided. Part goes to the War Department and part to the Interior. Who is to be the umpire in the matter? I may be ignorant on that subject, but I do not see myself how it can be divided. I should be glad to have the amendment read.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read the amendment.

Mr. BURNSIDE. I submit that that is rather a crude amendment. In its present form I think it will breed difficulty. I voted for it because I thought some good might arise from it; but I do not see on further reflection that the amendment in its present shape is likely to prove beneficial. I think the mover of the amendment had better put it in some other shape, so that there will be no difficulty in the expenditure of the money.

Mr. PLUMB. In the first place I have great confidence that if we vote money for clerks there will be some way found for its expenditure.

Mr. BURNSIDE. If this money can be expended honestly and in accordance with law, let it be done; but the amendment should be put in proper shape.

Mr. PLUMB. If the suggestion of the Senator from Virginia [Mr. WITHERS] is of any weight, then of course there will not be any of this money spent, because he says the Commissioner is well satisfied that no additional force is necessary. If so, of course he will not spend the money, for it is utterly useless.

Mr. WITHERS. No, he would be certain to employ clerks if directed by act of Congress to do so.

Mr. PLUMB. I am not going to stand by the language of this amendment as one of those things which are as perfect as they can be made; but it seems to me on reflection to answer the purpose which is designed. It provides for fifty examiners. Fifty examiners require in order to make their labor effective certain other clerks to examine the records of the Surgeon-General's Office and the Adjutant-General's Office, and certain other clerks to manipulate the papers for their examination in the Pension Bureau. That is one of those things which I take it are not legislative questions; but it is an administrative question; it is a question which can be determined by the action of the Pension Bureau according to its experience from time to time. Circumstances existing to-day might require more of one class and less of another, and to-morrow they might require just the opposite. So I do not think there is anything in the way of the effective carrying out of this amendment.

Mr. WALLACE. One branch of service here provided for is under the War Department, and the other under the Interior Department.

Mr. PLUMB. That is the way the appropriation has been made.

When we provided for carrying out the arrears-of-pensions act we made in one bill provision for force in all three of these departments, in the Surgeon-General's Office, in the Adjutant-General's Office, and in the Pension Bureau.

Mr. WITHERS. I would ask the Senator if any such provision has ever been incorporated in any pension bill?

Mr. PLUMB. Not in the same verbiage, but we did provide in one bill for the force in all these bureaus.

Mr. BURNSIDE. The same bill should not provide for the expenditure of the money by two Departments. I think it ought to be divided in some way. There should be some provision authorizing the Secretary of War to draw on the Treasury for a certain part of the money, and the Secretary of the Interior to draw for another proportion.

Mr. PLUMB. That is one of those things which can be adjusted in practice according to the needs of the service. More might be required in one Department and less in another. That is a thing which can be very well determined by the Pension Bureau by reason of its experience. There is no difficulty, as I conceive, in the way of carrying it out.

A word or two about the objection of the Senator from Virginia. He alleges that this will not result in the transaction of any more business. Is it conceivable that there is any machine so large in this Government that you cannot increase its efficiency by adding new force? The only foundation I have ever heard for an allegation of that kind as applied to the operations of the Pension Bureau is that there are only a certain number of rolls of regiments, of companies, and batteries, and headquarters, and so on, in which the men who are claiming pensions served, which can be the subject of examination in order to get the record data in regard to the service. But if the men who do this duty enter upon its discharge with the zeal they ought, they would find a great many ways of overcoming that difficulty.

As the Senator from Colorado well knows, out in his country a man who is capable of running a little mine employing ten men knows the great economy of time in running what are called two shifts; that is to say, two gangs of men succeeding each other, one commencing at seven o'clock in the morning and continuing until five in the afternoon, and the other commencing at five and continuing until three the next morning. But the ten-hour system does not prevail in the Departments of this Government; it is a six-hour system I think, and scant at that. I do not mean to say that those who do this work could labor the whole twenty-four hours of the day; I do say, however, that if there is a determination on the part of those who administer the pension laws to transact the business more rapidly, it will be very easy, so far as the force in the Adjutant-General's Office and the Surgeon-General's Office is concerned, to put on a relay of clerks at seven o'clock in the morning who shall work eight or ten hours, as the case may be, to be succeeded by another force of clerks who shall take up the labor where the first left it off and continue it during the evening.

Mr. EATON. That is poetry.

Mr. PLUMB. The Senator from Connecticut suggests that this is poetry. I do not know but that this is getting out of the realm of poetry. This will be a tragedy of large proportions if something is not done pretty soon. I think that the determination of Congress, if it shall be expressed in the shape of this amendment or of any other, whereby additional service will be employed, will so operate on the Commissioner of Pensions and upon all the branches of that service as that these men will feel themselves called upon to give effect, not only to this law, but to stimulate in every way the operations necessary to determine the cases which have been so long pending.

I believe it is entirely competent for clerks to commence work at seven or eight in the morning and continue until a proper period in the afternoon and be succeeded by other clerks to take up the examination of these records. It is not an abstruse question, it is not a technical employment, it is one of those things which can be carried on by any person who can read. The question as to whether the name of a certain man was borne on the roll of a certain company or regiment, when he was mustered into the service, when his term expired, whether during that time he was reported to be in hospital, whether during any portion of that time he was reported as a deserter, and all the essential facts of the service, may be determined by any one who can read ordinary handwriting, and who with ordinary handwriting can put upon paper the result of that observation. There will be ways, plenty of ways that a willing Commissioner—no doubt we have such a one—will find to effectively spend this money. As my colleague showed to the Senate to-day in the report of the Commissioner there is a demand for more clerks, and I think if the Commissioner had not made up his mind that the Senate would adopt his view in regard to a system of courts which would supersede the present system, he would have been here asking for more clerks; but his whole effort, or a large part of it, has been directed to the obtaining of legislation he thought better adapted to the allowance of pensions than the present one and I think measurably to the neglect of the machinery necessary to effectively carry out what he now has.

Mr. BECK. Will the Secretary be kind enough to read the title of the bill now under consideration?

The PRESIDING OFFICER. It will be reported.

The CHIEF CLERK. A bill (H. R. No. 6532) making appropriations.

for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882.

Mr. BECK. That is the object of the bill. The proposition now is to provide all the machinery not only necessary to carry that out, but also to supply the Adjutant-General's Office and the Surgeon-General's Office, and other branches of the War Department with additional machinery, and that the Senate has declared to be in order and a proper thing on this bill. So then, instead of being a bill to provide for pensions for the year ending June 30, 1882, it is to be converted into a bill to provide for all the machinery necessary for running two branches of the War Department, the Surgeon-General's Office and the Adjutant-General's Office, and all the matters that pertain to the general legislative, executive, and judicial appropriation bill. It is the motion of an individual Senator without the recommendation of the head of a Department or any man in official authority.

Mr. JONES, of Florida. I think the rules of the Senate are very clear on that question.

Mr. BECK. The Senator from Florida must never forget that when a pension bill is up no rule prevails except to give all we can, for fear some soldier will go to the polls and vote against our party. That is the only rule. No Senator, or hardly any, dares to vote what is the truth and what is his own conviction of the truth, for fear that result will follow.

What I want to say is that if the heads of Departments and the Committee on Appropriations are not to be allowed to consider what is necessary as to the clerical force in the Surgeon-General's Office, in the Adjutant-General's Office, and in the Pension Office, and if overruling that any individual Senator sees fit to ask for is, out of order, to be put upon this bill, then you had better vote to dismiss your Committee on Appropriations, and say you have no longer any use for them.

Mr. ALLISON. Mr. President, I voted for this amendment a few moments ago in Committee of the Whole, but I desire to submit now to the Senator from Kansas, on more careful examination of the amendment, whether or not it will effectuate what he desires. It provides first for fifty examiners. Now, I can find no such title in any of the appropriation bills for clerks in the Pension Office. There are examiners there, I know, but they are designated I suppose by the Secretary of the Interior or the Commissioner of Pensions.

Mr. INGALLS. From the general roll of clerks?

Mr. ALLISON. I think these examiners, if they are to accomplish what the Senator desires, should be, at least, fourth-class clerks, and if we desire to make them such we should so designate them. It also provides that certain clerks shall be assigned the Surgeon-General's Office and the Adjutant-General's Office without defining the number or the pay of those clerks. The heads of those offices can employ, if they choose, fourth-class clerks or second or first class, or one-thousand-dollar clerks.

It seems to me that if we are to provide for this additional clerical force on this bill, we should make it more specific and more definite; and therefore, with all due deference to the Senator who has presented this amendment, I think it had better be passed over and go upon the regular bill providing for the legislative, executive, and judicial expenses of the Government. I, for one, shall be ready to vote for the largest number and for the best compensation if we can by providing for this class of clerks secure the performance of this work.

I submit this to the Senator from Kansas. I think his amendment is entirely too indefinite.

Mr. WINDOM. I voted, or should have voted had I not been paired, for this amendment in Committee of the Whole; but, as has been stated by the Senator from Iowa, upon reflection I think it is not in the proper place. The Senator has given some very good reasons I think why it should not be placed here. The legislative appropriation bill will be before the Senate in a short time. The Committee on Appropriations will have ample opportunity before that bill comes before us for action to examine the question and call before it the Commissioner of Pensions and others and ascertain in what classes these clerks should be provided for. It seems to me the amendment would be in place upon that bill and that it is not in place upon this measure.

I shall therefore vote, assuming that the Senator with whom I am paired would vote as I shall, against the amendment in the Senate; and I join with the Senator from Iowa in saying that I shall vote for the largest number of clerks that may be necessary when the legislative appropriation bill comes up. I believe there ought to be an additional force, and I believe that an additional force can be used economically and to expedite the business of the Department; but I cannot vote for it on this bill. I made the statement a few moments ago without as much consideration as I have given it since, and I desire to vote against concurring in the amendment.

Mr. COCKRELL. I desire to say simply that I concur fully in the views expressed by the Senator from Iowa and the Senator from Minnesota. It is certainly not best to put the amendment on this bill. When the legislative, executive, and judicial appropriation bill is before us we can place this amendment in its proper order, so as to make the force effective and make the appropriation which will then be granted efficient in accomplishing the ends desired. I fear it would not accomplish what we desire here.

I say very frankly that I am, and always have been and always shall be, in favor of voting adequate appropriations for every Depart-

ment of the Government, in order to enable them promptly and efficiently to dispose of all the business that is pending before them. There is an accumulation of business in the Pension Office; it ought to be disposed of, and promptly and justly and fairly; and when the legislative, executive, and judicial appropriation bill comes to the Senate I doubt not the Appropriations Committee, having before them the heads of the Departments and investigating the whole matter, will make such appropriations and such provisions as will accomplish what we all desire. I trust the amendment will not be concurred in.

Mr. PLUMB. It is a little strange that the Appropriations Committee should be so sensitive about what goes on an appropriation bill. I do not recall an appropriation bill that has passed the Senate since I have been here that has not had on it more or less legislation. This very bill has got on it an abundance of it just as obnoxious to what has been said about the propriety of this amendment as the amendment itself is.

So far as the objection of the Senator from Iowa is concerned that we do not say anything about the classes of clerks, let me call that Senator's attention to the fact that when we passed the census act we left the entire question of how many clerks should be appointed and their salaries to the Superintendent of the Census. He is employing to-day clerks, not by classes but picking them up according to the price at which he can obtain them, to do the work. There is no limitation at all. He can pay a man a thousand dollars a year or a thousand dollars a month, or he may stint him to a sum which will barely keep body and soul together. The discretion which is lodged by this amendment is not a new thing; and I do not think that this is the place nor the time nor the circumstance under which an objection of this kind should be raised.

It is true that if this amendment, or a similar one, were to be placed on the legislative, executive, and judicial appropriation bill, it would answer the same purpose. It could not answer any better purpose. But here we are in the last days of the session. There is certain formal business yet to be done, which is going to occupy a great many days of it; there is a great deal of other business which is to come before the Senate, and in a few days we shall be in a maelstrom. The question as to what shall be done will be at the arbitrary will, not of the Senate, but perhaps of a committee; and more than that, the committee itself, as well as the Senate, will be prevented by reason of lack of time from doing many things it would like to do. The time will come when a man who rises here to debate a question, to offer an amendment to anything, will be regarded as a man to be put down; as a man who is doing something toward occasioning the necessity for an extra session of Congress. All debate, practically, will be cut off. We shall be doing business with double haste shortly, and a great many things will be put over that before the committee would say ought to be done.

There is no incongruity, there is no inappropriateness, in this amendment. We are providing here a large sum of money for the purpose of carrying out the pension law; and adding \$200,000 for machinery whereby this money is to be expended, does not, I submit in view of all the circumstances of the case and what has preceded it, violate the proprieties in any degree.

Of course, if the committee itself was united and could agree that it would put an amendment of this kind upon the legislative, executive, and judicial appropriation bill, no matter who might say nay, that would be worth considering; but here are two members of the Appropriations Committee who express a conviction that this force ought to be increased, and here are two equally influential members who say the force ought not to be increased. What guarantee is there, then, that when this question comes to be considered on another bill it will receive any more favorable consideration than it receives now, at the hands of that committee?

Mr. HOAR. Will the Senator from Kansas allow me to interrupt him?

Mr. PLUMB. With pleasure.

Mr. HOAR. I am in favor of his amendment and very much in favor of having it acted on now, and not put off to another bill. Therefore, I desire to ask him what his answer is, as his amendment now reads, to the point which has been made that the amendment provides for "the number of clerks for the Pension Office and Adjutant-General's and Surgeon-General's Offices, respectively, necessary to render effective the work of said examiners." Suppose the Secretary of the Interior, in whose Department the Pension Office is, thinks there should be clerks enough to use this whole appropriation in his Department, and suppose the Secretary of War, in whose Department the Adjutant-General's and Surgeon-General's Offices are, thinks that there should be clerks enough to use up the whole of it in his Department? Is it not necessary for the Senator from Kansas to devise some provision and put it on this amendment before it passes, which shall give somebody the authority of determining how many of these clerks shall be in each of these offices? So far as the Adjutant-General's and Surgeon-General's Offices are concerned it can be left to the Secretary of War to apportion them as he thinks fit. I ask this question not as an objection, but as a friend of the amendment.

Mr. PLUMB. We are vesting a large discretion with the heads of all these bureaus and the heads of the Departments; and there is no more reason to suppose that the Secretary of the Interior would arbitrarily insist on keeping all the clerks provided for by the amendment in his Department, whether necessary or unnecessary, than there



is to suppose that he would do any other improper thing under the discretion we give him in this bill and have given him in other bills.

Mr. BURNSIDE. Will the Senator from Kansas consent to an amendment stating that this expenditure is to be made at the discretion of the President of the United States?

Mr. PLUMB. I was going to say that I hope some of those who are so much in favor of this amendment, and only objecting to the bill it is offered to be placed on, would suggest an amendment which would carry out their idea.

Mr. BURNSIDE. I suggest that amendment.

Mr. PLUMB. I am not going to contend for the language of the amendment. As I said before, I do not care about the form of it; I am after the substance. I want to make sure now, upon a bill that I know is going to pass beyond peradventure, that the existing condition of things in the Pension Bureau shall no longer continue to exist; that is to say, that there shall be an improvement.

Mr. BLAIR. Will the Senator allow me to make a suggestion which may possibly obviate the difficulty? If the amendment should pass as it is, and if there should be a serious difficulty about the division of this money, there can be a provision in the legislative, executive, and judicial appropriation bill specifying how it shall be expended. If that difficulty should arise, if there were anything needed to be done, it could be very easily remedied that way, and the amendment could go on the bill as it is now.

Mr. EDMUNDS. We had better remedy it now, if there is any trouble.

Mr. HOAR. I will make this suggestion to the Senator from Kansas, to add to his amendment these words:

The number and distribution of said clerks in the different offices and different Departments to be at the discretion of the President.

Mr. PLUMB. I am perfectly willing to accept the amendment.

Mr. ALLISON. That amendment is in order.

Mr. PLUMB. I am entirely willing that my amendment should be modified in that way, or in any other way which will make it more certain to have the effect which I desire.

The PRESIDING OFFICER. (Mr. FERRY in the chair.) The question is on the amendment to the amendment.

Mr. WITHERS. How will it read as proposed to be amended?

The CHIEF CLERK. At the end of line 17 of section 1 it is proposed to insert:

To provide fifty additional examiners, and for rent for additional rooms or buildings therefor, for the Pension Office, and the number of clerks for the Pension Office and Adjutant-General's and Surgeon-General's Offices, respectively, necessary to render effective the work of said examiners, the sum of \$200,000, to be immediately available, the number and distribution of said clerks in the different offices and different Departments to be at the discretion of the President.

Mr. BECK. I merely desire to say that I suppose that is upon the assumption that Congress is no longer competent to distribute these employes and the President must do it for Congress.

Mr. BURNSIDE. I suggest that the word "fifty" be stricken out before "additional examiners," leaving it all to the discretion of the President. I suggest that to the Senator from Kansas.

The PRESIDING OFFICER. There is an amendment to the amendment pending. The question is on the amendment proposed by the Senator from Massachusetts to the amendment made as in Committee of the Whole.

Mr. EDMUNDS. I see the Senator from Massachusetts has only used the word "clerks" in his amendment while the principal amendment mentions examiners and clerks.

Mr. HOAR. The examiners are clerks. Although they are called examiners, in reality there is no such official title, and what it means is only clerks to examine.

Mr. INGALLS. The word "examiners" should be stricken out.

Mr. EDMUNDS. As the law now stands there is no such office as examiner except in the Patent Office that I know of; but this is to be a law, and if the law does not provide for an official by the name of an examiner before, if this passes it will provide for it. Therefore, I suggest in the friendliest spirit to the amendment that the end of the clause ought to conform to the beginning, and that with the word "clerks" there ought to be the word "examiners" also.

Mr. HOAR. I suggest to the Senator from Kansas to make the word "examiners," in the original sentence, read "examining clerks."

Mr. INGALLS. It would be better to leave out the word "examiners." They are all known as clerks of different classes. The only two designations in the Pension Office are clerks and copyists.

Mr. EDMUNDS. It certainly appears to me that as we are making a law, and not construing a law, we ought to use terms at the beginning and the end of the amendment that have some relation to each other. If the modification suggested in respect of the word "examiners" is adopted, so that the phrase will be "clerks," then the amendment of the Senator from Massachusetts will be in perfect accordance with the principal amendment; but without it, it seems to me it will leave the same gap open that existed before. It only allows the President to regulate the number and distribution of clerks, but does not allow him to regulate the number and distribution of the persons whom this law, being the last one, styles examiners.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR] to the amendment made as in Committee of the Whole.

Mr. EDMUNDS. An amendment to that is not in order?

The PRESIDING OFFICER. It is not in order at this time.

Mr. EDMUNDS. Is it in order to perfect the paragraph that the Senator from Massachusetts proposes to amend?

The PRESIDING OFFICER. The amendment is not to strike out, but is an additional paragraph, and the amendment of the Senator from Massachusetts to the amendment is in the second degree.

Mr. PLUMB. I suggest to the honorable Senator from Vermont to move his amendment after that of the Senator from Massachusetts is adopted.

Mr. EDMUNDS. Then I understand the Chair to decide that when an amendment is pending and an amendment is offered to that it is not in order to perfect the text of the principal amendment.

The PRESIDING OFFICER. The amendment to the amendment being in the second degree, it cannot be in order to amend further. The question is on the amendment of the Senator from Massachusetts to the amendment made as in Committee of the Whole.

Mr. EDMUNDS. I do not propose to amend the amendment moved by the Senator from Massachusetts.

Mr. HOAR. I understand that has been adopted.

The PRESIDING OFFICER. It has not.

Mr. EDMUNDS. I propose to amend the text.

The PRESIDING OFFICER. The text is an amendment, the Chair will state to the Senator from Vermont, and therefore the amendment of the Senator from Massachusetts is in the second degree, and there cannot be an amendment in the third degree unless it is to strike out and insert, when the part to be stricken out would be amendable; but that is not the proposition of the Senator from Massachusetts.

Mr. EDMUNDS. Very well.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR] to the amendment made as in Committee of the Whole.

Mr. EATON. I think I shall not vote for the amendment of the Senator from Massachusetts as I cannot vote for the amendment of the Senator from Kansas. I think this is all wrong. I have been for many years voting all the Department requires in the way of clerks and assistance. It is the manifest duty of each of the Departments and bureaus of the Government to inform the Senate and the House of the number of clerks that they desire. If this new bill will make a greater clerical force necessary, the Secretary of War and the Secretary of the Interior will notify the proper committees of this and the other House of the increased clerical force which they desire, and then we shall be ready to give them that force. If they do not desire any more force, we ought not to throw away \$200,000 of the people's money.

Mr. CONKLING. Will the Senator yield to me to make a suggestion?

Mr. EATON. I will.

Mr. CONKLING. It cannot have escaped the attention of the Senator from Connecticut, first, that large numbers of pension claimants appeal to him to get them special facilities in the Pension Bureau, not that their cases may be decided one way or the other, but that they may be proceeded with in some way. In the second place the Senator must know that the Commissioner of Pensions and those who write by his direction, return answers month after month, year after year, that the reason of the delay, the reason of these applications to a Senator to induce the Commissioner to make a case "special," as they call it, in order that it may be taken up out of its turn, is the want of clerical force, the lack of the hands necessary to handle these papers, to go on with them and dispose of them promptly. In the presence, then, of these facts, if they be facts,—if not the Senator will correct me,—I ask him what the answer is to the thing which naturally occurs to every mind, that we ought on some bill, in some way, by some provision, to supply this need? The honorable Senator says they may ask for clerks when they want them. That no doubt is technically true; but when the Senator is informed as a Senator, when I am informed as a Senator, day after day, in answer to these letters, that the reason of all these delays, involving great hardships, as I am sure they do in some cases, is the lack of clerical assistance, how can we exactly stand upon saying, "they have not made a formal recommendation," or the head of a Department within some rule of the Senate has not put it technically in that way, and although we know the fact we will still wait, because they might in some other way bring it to our notice? I should like if the Senator from Connecticut will oblige me, to hear his views on that aspect of the case.

Mr. EATON. They are very simple, of course.

Mr. CONKLING. Always the Senator's views are.

Mr. EATON. Undoubtedly. Therefore I hardly thought my friend from New York would find it necessary to put a question of that kind. How does he or any other member of the Senate, my friend from Kansas who proposed the amendment, know now whether ten clerks are demanded, or five, or twenty, or fifty, or a hundred? How do we arrive at it? What is the proper legislation and the proper action for this body? It is to be informed by other public servants of what they demand and what they require. I apprehend that the Secretary of the Interior Department knows a great deal better than I how many clerks are necessary in the Pension Bureau, and surely the Commissioner of Pensions ought to know exactly what he desires and how many men he can profitably employ. When he tells us, I will vote with my friend from New York for every man that he desires; but why should we go upon a hunting expedition and a guessing expe-

dition? I come from a guessing country, but I confess I can hardly guess out this problem of how many men shall go to this bureau and how many men to that bureau, and nobody else it seems can; and now it is said you will put it upon the President to do that. Which President, the one in or the one coming in—

Mr. CONKLING. Or the one that did not get in? [Laughter.]

Mr. EATON. The one that did not get in ought to have been in by the vote of the people. In my judgment the whole of this thing is wrong. I hardly think my friend from New York can answer the suggestion which I have so lamely made, and that is that an intelligent head of the Bureau of Pensions, an intelligent head of the War Department, and an intelligent head of the Interior Department may better number the clerical force they can properly use than any member of this body.

I conceive that my friend is answered, and therefore I shall vote against this amendment to the amendment, and against the amendment itself, and whenever the proper officer of the Government asks for more clerical assistance we will all join in giving it.

Mr. CONKLING. The honorable Senator from Connecticut says I am answered. That is true. I never ask the honorable Senator a question without receiving a polite answer. I have received it now; and meaning to be entirely courteous to him, I submit that that answer falls a good way short of the real demands of my question. The honorable Senator says we are not to go on a hunting expedition,—I believe that was his phrase,—to ascertain whether a greater number of clerks cannot be employed somewhere. I agree with him. Certainly we are not to go on a hunting expedition; and if this be such a proposal, no Senator should vote for it. But, Mr. President, that I submit to my honorable friend is rather fanciful. Here is in the country a great procession of mourners and of cripples that are entitled under the laws to the allowance of a pension. I will not stop now to consider whether under the theory suggested this morning by the language of one Senator this proceeds from benevolence, charity, generosity, magnanimity, or according to the view suggested by other Senators from principle which enter into contracts, obligations, dues, the holders of which do not need to throw themselves at anybody's feet or appeal to anybody's mercy. In the one way or in the other, either as the wards of the nation relying upon the benevolence of the nation, which I deny, or as the creditors of the nation appealing to the justice of the nation, which I affirm, great bodies of crippled men and smitten women and orphan children, have meritorious and well-earned claims upon the Government. They ask for their consideration. They are postponed, belated, and disappointed until thousands are weary, heart-sick, and starving. Their attorneys and the pension agents whom they employ appeal in great numbers to Senators. When Senators remember that in the State of New York there are 5,200,000 people, and that 600,000 of the sons of New York marched to the fields of battle, I shall not seem to exaggerate when I say that great numbers of persons such as I have described appeal to me in every month and every week of the year to aid them in gaining answers from the Pension Bureau, not in gaining a favorable result, not in inducing the Commissioner of Pensions to waive some requirement of evidence, to stretch some provision of law, to invent some way of favoring them, but to gain action, consideration, immediate proceeding upon their case which sometimes they say for months has waited and sometimes they say for years has waited an adjudication.

When I do appeal to the Commissioner of Pensions it happens not always—because very often there comes a decision or a suggestion or a letter of advice or a response of some sort indicating that notice is taken, consideration is given to the case to which attention is called, but at other times comes now and again an explanation, sometimes in a letter specially written sometimes if I mistake not in a printed circular printed to be sent I infer by thousands as a wholesale explanation, sometimes again I think in a lithographed letter showing that it is produced in manifold and sent as a wholesale explanation stating in various forms with different illustration and particularity that the Pension Bureau is embargoed, arrested, swamped in its business. Why? Because conducting its business almost wholly by the employment of clerical force, that force is deficient; because there are not clerks enough, or to state it differently, there cannot be employed and secured hours enough of clerical force to examine, classify, and subject to the scrutiny which they are to undergo the papers which exhibit the claims of pensioners.

Having been informed of this again and again, by individual letters, by circulars, by other forms of information signed and sent out officially by the Commissioner of Pensions, the head of the bureau concerned, can the honorable Senator from Connecticut, candid and intelligent as he is, dispose of the matter by turning to me and saying that we are not called upon to go upon hunting expeditions to see if we cannot find a place where more clerks might be used? I submit to that honorable Senator in whose sense of justice and in whose benevolence I have entire confidence, that such a state of facts as this summons us to our feet, and that we cannot turn it off by saying "Oh, well, no doubt, but then there is some technicality which somebody might have complied with and has not." The Secretary of the Interior whom the Senator seems to regard as the repository of the most full, exact, and particular information on this subject—an allegation with which I do not take issue—has not said something that he might have said; and then again the Commissioner of Pensions

although he has said a great deal and although he has said it a great many times and although he may have said it individually to all the members of both Houses, has not, speaking to those members altogether as the Houses, or speaking to his superior through whom he might speak to these two Houses, said all this; and therefore we shall be speculating, we shall be on a hunting expedition, we shall be going out as if to find by hook or by crook some place where the money of the Government may be spent.

I submit to the Senator from Connecticut, that is technical; it is very technical. It would be technical were the persons concerned here all astute business men, were every one of these pensioners a man taught in all the methods of presenting and advancing his claims; but when we consider that we are dealing with the untalented, the helpless, the friendless, men who do not understand the circumlocution office, women and children who have few means of intelligence or otherwise in pressing their claims, I submit that we are bound to be a little more liberal, a little less exacting of technicality from the heads of the Departments or bureaus; and when there is brought in any way to our notice the fact that vast numbers of persons are being victimized with that injustice which is as bad as refusal or denial, interminable delay, we have no right to go behind an excuse like this and say we will wait until all the ceremonies and requirements are complied with, we will let all the pensioners who are the subjects of such hardship as I have been speaking of go over from the 4th of March till the first Monday in December next, and then if there should be another Secretary of the Interior endowed with all the knowledge, general and particular, which the Senator from Connecticut ascribes to the present distinguished head of that Department, and he sends to the Senate a communication in which he says that this matter has reached his attention also, why then we will feel that all the requirements are rounded out and that the whole measure of occasion for our action has arrived.

As to the phraseology of this amendment I have not scrutinized it. It came from a Senator whom I supposed to be more familiar than I am with the requirement of the occasion. It was voted for, I observed, first voted for as in order on this bill, and afterward as meritorious, by certain distinguished members of the Committee on Appropriations, whom I am accustomed to follow. I observed that some of the Senators to whom I refer have modified their views. Coming first into the Senate I heard years ago a distinguished member of the body state how safe it was, particularly for inexperienced members, to follow the committees, and that duty was laid down so broadly that I infer that one so inexperienced as I need not know much in order to vote intelligently, except that what the committee say. When the committee divide somewhat politically as in this instance, and the members of the committee representing the party to which I belong, upon a matter which is supposed in some sort to appeal to what may sometimes grow into party divisions, when the republican members of the committee act together, I have been of the impression that it was suitable for me to pay a good deal of heed to their course, because they are supposed to have a greater acquaintance with the matters committed to them. So I was influenced, I confess, considerably both upon the question of order and upon the question of the propriety and sufficiency of this amendment, by the position I saw wiser and better acquainted Senators holding.

Now, I humbly submit that if this subject was in order on this bill, as I thought it was and as I still think it is, notwithstanding the provision about general legislation, and if the amendment in outline and substance is meritorious, we ought not after this discussion to abandon it and throw it down, and postpone to some other bill to come hereafter not only this subject but a rediscussion of it. The amendment suggested by the Senator from Massachusetts seems to me to avoid the only serious difficulty which has been suggested. If there is another one let us hear what that is, and if we can obviate that let us do it, and then if the amount is too large cut it down. If the amendment does not commit to the discretion of these officials and to their conscience and their oath to expend only so much of this money as is actually necessary, by all means let the amendment be made rigorous and searching in that regard; but still let us, as it seems to me we ought if satisfied that injury is constantly occurring because of the deficiency of clerical force, make provision which will supply at least in part that deficiency.

Mr. EATON. Mr. President, I did not intend to provoke a discussion with my friend from New York, for I should be in the unfortunate position that the coon was with the celebrated Captain Scott, and I might as well come down at once; but I do not think that my friend from New York meets the question, I will not say fairly, but properly. He immediately begins to speak of the numerous pensioners, the poor men and women and children who are suffering, and appeals to our feelings in that particular. That is not a part properly of this discussion. What is necessary to carry out the law and who are the proper persons to determine the amount of clerical force necessary to carry out the law? That is the question and the only question. There is no other.

My friend says that I seem to place the utmost confidence in the present Secretary of the Interior. I believe I have as much confidence in him as it is necessary for me to have in that officer. So I have in the Commissioner of Pensions; and it is this much: I have sufficient confidence in his knowledge to believe that he knows the amount of clerical force necessary to carry on his Department. That



is very certain. What is the object of having heads of Departments unless it is that they may inform the Senate and House of Representatives of what is necessary in order to properly carry on the Government? I am not second to my friend from New York but fully abreast with him in being desirous of doing all that is necessary for this class of Government creditors. I assume his own terms; but there is a way to get at this which I think is the proper way and all other ways are improper. Are fifty clerks more enough? Who can say? Who can say whether forty is not enough, and who can say that one hundred are not required?

Mr. CONKLING. May I make a suggestion?

Mr. EATON. Certainly.

Mr. CONKLING. Does the Senator understand that under the amendment, if it become a law, any honest man as Secretary of the Interior or Commissioner of Pensions would employ clerks who were not necessary, would expend the whole of this money if a part of it only turned out to be needed?

Mr. EATON. That is not a part of my argument. I have made no such suggestion.

Mr. CONKLING. No; but my honorable friend objects to it because he says he does not know the exact number. He says they do know. Very well, if they do know I ask him whether he thinks, being honest men, they would employ an unnecessary number.

Mr. EATON. I hope not, but I want to relate a little experience that I have had as one of a committee of this Senate. Some four years ago five members of this body were appointed to examine the various Departments of the Government, to look out, to report to the Senate with regard to the employes. I remember distinctly as one of that committee of advising a certain head of a Department that he ought to give his clerks one hour more labor. We had not the authority to compel it, but the hour was given, and the number of clerks was not reduced. Acting upon the suggestion of the committee, the additional hour's work was given to the clerks, but no reduction was made, when there should have been not less than three hundred dismissed, if they all worked the additional hour; and that was apart from any idea that I have here to-day. The Secretary of the Interior, the Secretary of War, the Surgeon-General, the Commissioner of Pensions ought to know the number of clerks that they can best employ, and when they inform us of the number they desire we will give them that number. I do not myself propose to vote to force any upon them.

#### DEATH OF HON. EVARTS W. FARR.

A message was received from the House of Representatives, by Mr. THEODORE F. KING, one of its clerks, communicating to the Senate the intelligence of the death of Hon. EVARTS W. FARR, late a Representative from the State of New Hampshire, and transmitting the resolutions of the House thereon.

Mr. ROLLINS. I move that the business of the Senate be suspended and call for the reading of the resolutions of the House of Representatives announcing the death of Mr. FARR, late a member of the House from the State of New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire asks that the pending order be suspended for the purpose he has named. Is there objection? The Chair hears none; and the resolutions of the House of Representatives will be read.

The Chief Clerk read as follows:

*Resolved*, That this House has heard with profound sorrow the announcement of the death of Hon. EVARTS W. FARR, late a Representative from the State of New Hampshire.

*Resolved*, That in token of regard for the memory of the lamented deceased the members of this House do wear the usual badge of mourning for thirty days.

*Resolved*, That the Clerk of this House do communicate these resolutions to the Senate of the United States.

*Resolved*, That as a further mark of respect to the memory of the deceased this House do now adjourn.

Mr. ROLLINS. Mr. President, I move that the resolutions which I send to the Chair be adopted by the Senate.

The PRESIDING OFFICER. The resolutions will be read.

The Chief Clerk read the resolutions of Mr. ROLLINS, as follows:

*Resolved*, That the Senate has received with profound sensibility the sad announcement of the death of Hon. EVARTS W. FARR, late a member of the House of Representatives from the State of New Hampshire.

*Resolved*, That as a mark of respect for the memory of Mr. FARR, the members of the Senate will wear the usual badge of mourning for thirty days.

*Resolved*, That the sympathies of the members of the Senate be tendered to the family of the deceased in this bereavement, and that the Secretary of the Senate transmit to them a copy of these resolutions.

Mr. ROLLINS. Mr. President, it is now almost a quarter of a century since a member of the delegation from the State of New Hampshire has been called upon to announce the death of a colleague in either branch of Congress. Since the adoption of the Constitution, four Senators from New Hampshire have died during their terms of office—Nicholas Gilman, in 1814; Charles G. Atherton, in 1853; Moses Norris, jr., in 1855; and James Bell, in 1857; although out of the thirty-five Senators who have represented the State prior to the present incumbents but six are now living.

In the other branch for the first time a vacancy has occurred by the death of Major E. W. FARR, the youngest member of our delegation, in the prime of his manhood and but a few days after the people of his district had indorsed his ability and worth by a re-election. In the midst of life we are in death. The great leveler invades all ranks

and conditions of life, paying no regard to age or sex, strength or weakness.

In this case the blow fell with little warning and but a brief illness, and it is a significant admonition to us to be always ready to meet that last call to enter upon the new state which awaits us beyond the confines of this earthly existence and there solve the mystery which during all time our human intelligence has not been able satisfactorily to penetrate, except that we are fain to accept the faith that death is but the portal to a new existence and that if a man die he shall live again. The survivors may mourn their loss more grievously when it comes without warning, but it is well with the departed. My acquaintance with Major FARR began in the early days of the great struggle for the preservation of the Union, in April, 1861, when the first call to arms was responded to with so much alacrity, not only by our late and lamented friend, but by so many others in the North. From that time until the day when the sad intelligence of his death was communicated to me by telegraph from his quiet home among the mountains, I watched with interest his career, both in the Army and in civil life, and our friendship was never for one moment interrupted. In his death I mourn the loss of a true, long-tried, and esteemed friend.

Major FARR was born in Littleton, New Hampshire, October 10, 1840. At the early age of twelve, with that independence so characteristic in later years, he struck out for himself, and, by that rugged toil which is not unfamiliar to many New England boys, began to earn his own support and provide means to secure an education. In the fall of 1856 he entered upon his preparatory course for college at the academy at Thetford, Vermont, leaving that with valedictory honors in 1859 for Dartmouth College. His collegiate course was interrupted by the call to arms, and in April, 1861, his name appears first in his native town and among the first in the State enrolled among the volunteers. Subsequently he was appointed a lieutenant in the Second New Hampshire Regiment.

During the first year he was prostrated by disease and sent to the hospital in this city, but an indomitable will and strong constitution carried him through, and as soon as he recovered his strength he returned to his regiment. January 1, 1862, he received his commission as captain and on the 5th of May following in the battle of Williamsburgh during a drenching rain his right arm was shattered by a Minnie ball while he was in the act of firing. With characteristic coolness he picked up his revolver with his left hand and passed to the rear, where he remained forty-eight hours in a dilapidated building without doors or windows, in his wet clothing; he was then conveyed to Fortress Monroe and was sent home, where he arrived in fifteen days after receiving the wound which deprived him of his arm. Impatient of this enforced retirement, in six weeks he returned to the front. Soon after he was appointed major of the Eleventh New Hampshire Regiment, and as such participated in the battle of Fredericksburgh, December 13, 1862. With his regiment he was under General Grant at the siege of Vicksburg. Later he was detailed as judge-advocate on court-martial duty at Cincinnati and Washington, and after the close of the war studied law and was admitted to the bar in 1867. He was assistant assessor of internal revenue, and subsequently assessor, which office he held until 1873 when the office was abolished.

As a soldier he was chivalrous and brave, bearing a record without blemish, ever present when duty called. As an officer, cool and courageous in danger, strict in discipline, but by his general kindness endeared to all his men, winning the highest estimation of all who knew him and the confidence of his seniors in command. As a lawyer he won a good position and was known as a safe counselor, earning the confidence of his clients and the community. As a politician he was frank and outspoken, leaving no doubt as to his position, and while a stalwart republican, possessed many warm friends among his political opponents.

In 1876 he was elected a member of the governor's council from his district; he was twice appointed prosecuting attorney for his county, resigning that position to take his seat in the present Congress to which he was elected in 1878. At the recent election (November, 1880) he was re-elected to the Forty-seventh Congress in one of the most hotly contested campaigns known in his district, which is a very close one, thus showing the estimation in which he was held by his constituents.

As a member of the House of Representatives he proved himself industrious and efficient; as in the Army, he was never absent from his post of duty except from imperative necessity.

It is said that a prophet is not without honor save in his own country, but the following tribute will show how Major FARR was appreciated in his own community, and this tribute will be indorsed by every member of that community:

To speak of him as a man is to fully know him as a citizen and neighbor, a husband and father, an associate and friend. As a citizen he was just, kind, and public-spirited; as a husband and father ardent and constant in his affections and ever tenderly devoted; as a friend and associate there was no one more loyal, liberal, and unselfish; quick to resent an injury, he was placable and ready to forgive. If he ever unknowingly wronged another, (knowingly he could not have done it,) his magnanimity in redressing it was prompt, noble, and conspicuous. As a public man his integrity and honor were never questioned; incorruptible and sincere, he was ever ready alike to defend a friend and the friendless. Once his confidence was won nothing but dishonor could sever the tie that bound him to his fellow-man. Can it be wondered that his people loved and trusted such exemplary manhood?

Warm-hearted, sincere, and generous to a fault, he possessed a genuine magnetism which attracted and held all who approached him.

Entering the Army while not yet twenty-one, with a vigorous and robust constitution, he left it four years later deprived of his right arm and with the seeds of disease about him which rendered him unable to recuperate from the sudden attack, coming as it did just at the end of an arduous and exhausting campaign. His loss is not alone a sad bereavement to his aged father and mother, to his wife and young children, but to the community in which he lived and was honored and to the State which he represented. Struck down in the pride of his manhood, he has left a void which will be hard to fill. To those who were near and dear to him, to his friends and neighbors, and to his State we extend our hearty sympathy, not unmindful that this Congress is also called upon to deplore another break in its family circle and another chair made vacant by his untimely death.

Mr. BLAIR. Mr. President, there is no solitude like that which envelopes a public man amid the multiplied and exacting activities which environ him in the Capitol of his country. I have never felt so utterly alone as when most absorbed in my duties here. The continuous woods, vast, dark and silent, are full of tender companionship, and the spirit of nature speaks with many-voiced and varied tones to him who seeks her wild and secret home. But here one seems to be projected as it were into a kaleidoscopic and tumultuous scene where though all may be light, beauty, and variety, yet when analyzed the elements of the fascinating vision are mere glass and glitter without one ray of heat or throb of sympathy.

Every public man is all alone in a certain and substantial sense. His connections are with his distant constituency; and only with them through the post, the telegraph, and other avenues of communication does he really live. Now and then there is a break through the environment of affairs, and for a little while in cheerful or mournful but always heartfelt communion with a congenial soul there is a brief return of the old-time sense of hearty feeling and of that unrestrained personal and independent self-assertion which belongs of right to the private citizen. Yet how soon the opening closes and the tempest of affairs obscures the whole heavens once more.

We talk and laugh and discuss. We are cheerful and polite—it may be bland and entertaining. We sit side by side; but we are still as far apart as the localities from which we come. There is ever the touch of the hand, the glance of the eye, the friendly tone, and the ready effort to oblige; yet after all the real life of the public man is between himself and those who created him by their choice. He belongs to them. He is of them in the truest and most absorbing sense, and not of those with whom he daily meets on this conspicuous scene. But there be those like the stars which illumine the neglected spaces of night, who, by their select and electric qualities, change the chilly formalities of public association into the warmth and sympathy of private life. These rare spirits are the golden links which connect us and somewhat cure our isolation. They give out not light alone but heat as well, and while they illumine all things, they also warm and weld us together.

But alas! Death, blind, cruel, and insatiable, will tear even them away with no more compunction than when he extorts the spirit of the beast which goeth downward. He

Loves a shining mark, a signal blow,  
A blow which, while it executes, alarms  
And startles thousands with a single fall.

Of such a man, my personal friend for twenty years, my associate and companion in private and in public life, just stricken down in all the royal strength of forty years, while his sun was high and rising higher on the pathway, it might well have been to the very zenith of place and power, just as he had achieved a personal and political triumph such as comes to but few men even in the longest career, it is my difficult but willing duty for a few moments to speak to you to-day.

Major EVARTS W. FARR, a member of the Forty-sixth House of Representatives and a member-elect of the Forty-seventh, from the third congressional district of New Hampshire, died at his home in Littleton, in that State, on the 30th day of November last, aged forty years. He was born in the same place on the 10th day of October, 1840, of one of the largest and most influential families in our State. His father, who survives the gifted son, filled many conspicuous positions in public life, and through a long course of great activity and usefulness to his fellow-men, he was ever the same intelligent, upright, and efficient gentleman, who, for thirty years at least has been known throughout New Hampshire as "Honest John Farr of Littleton."

The mother was in every way worthy of the father of her boy; and to one who knew them all, it is sufficient eulogy to say that they were worthy each of the other. No young man was ever "better born," in the highest sense, than Major FARR, and his career has reflected great honor upon the family name.

Young FARR was of an active and independent spirit from the beginning. When twelve years of age he assumed the burden of his own support and education. He secured the advantages of the common schools in his native town, and after a preparatory course at the academy located in Thetford, Vermont, then under the direction of Professor Hiram Orcutt, and one of the best institutions in New

England, he entered Dartmouth College with the class which graduated in 1863. He was pursuing his studies there with assiduity and great promise when the country called her sons to rebaptize in their blood the sacred principles of liberty and to re-establish upon immovable foundations the integrity and perpetuity of her Constitution and her laws. He was then twenty years old, of stalwart but graceful form, with a countenance full of animation, force, and beauty.

That face was the mirror of all within. I well remember a long conversation with him while attending court in Haverhill, where he chanced to be in the early spring of 1861, just as the mutterings of war became unmistakable to us in our mountain homes. We were then beginning life; I had just entered upon the practice of the law. He designed to pursue that profession as soon as his course of study and preparation would permit. Our conversation lasted nearly through the live-long night, and I desire to bear witness to the memory of my dead friend, that never did man determine to put aside, if need be, the promise of an apparently unsullied future for the untried hardships of the camp and field, with a more vivid sense of what he was to sacrifice and suffer, or with a loftier patriotism and deeper devotion to a stern sense of duty than did EVARTS W. FARR. And when a little later the summons echoed from the walls of beleaguered and then of fallen Sumter all over the astonished North, he strode among the earliest to the field of death and of glory with motives as pure and free from sectional hate, with as knightly and exalted devotion to the ideas of country, liberty, and the good of mankind as ever beat in the bosom of Sidney, or as animated the fathers at Yorktown, Cowpens, or Bunker Hill.

He served in some of the hardest fought actions with great bravery and brilliancy, and throughout the war, losing an arm at Williamsburgh, and receiving the fatal seeds of death in his constitution from exposure in the swamps of the Peninsula, which ripened year by year until a casual cold fastened upon his waning powers and killed him as easily as though he had been a little child. On his return to civil life he studied law, and being admitted to the bar, he practiced the profession unremittingly and with good success from 1867 until his election to the Forty-sixth Congress. He was twice appointed prosecuting attorney for his native county, and held that office when called to service in the halls of national legislation. During this period also he was chosen to be a member of the governor's council, after a most vigorous canvass, from a strongly democratic district, in which but for his great personal popularity success would have been impossible.

As a lawyer Major FARR was highly successful. His attainments for one of his years and opportunities were good. His comprehension of the fundamental principles of law was clear and strong. He had an unflinching fund of good sense, which is worth more to a lawyer than knowledge of every case of every court ever reported when not combined with that unflinching touchstone of truth. He knew what the jury thought and could guide them in his own channels of reasoning to the conclusions in which he believed himself. He had little power to make the worse appear the better reason unless he was honestly wrong, and he always presented his cause with a conscientious conviction that he was right. He had a native love of justice and abhorrence of wrong. He was a tower of strength to the innocent and to the cause he believed to be just, but to none other. He was an honor to the bar, and by his high character and conduct he fully paid that difficult debt which every lawyer owes to his profession.

Having fought to preserve his country, he should be excused for manifesting that interest in preserving the results of the national victory which made him a close observer of events and gave to his mind a bias for public life. His intelligence, his patriotism, and popular manners for years had attracted the attention of the people, and it had long been evident that at an early period he would be summoned to the higher political honors of his State. This expectation was realized by his election in a very close district to the other House.

Every one who has experienced them knows the almost insurmountable difficulties which lie in the way of a new member of a great legislative body, especially if he belongs to the minority. A new member of the majority has comparatively plain sailing in an open sea. But short as has been his connection with the House, only through one regular session, Major FARR had become well known and was very highly esteemed by his fellow-members, both for his ability and worth. He was attentive to every duty and he understood what belonged to it and how to perform it. He was an elegant speaker, very ready in debate and grew stronger every day. I observed this during the late campaign particularly, and believe that had he lived and continued in Congress long enough to do justice to himself and constituents, he would have served his country with great efficiency to the pride of his innumerable friends and of the State. As it was the promise given of that which might have been, sharpens a disappointment most grievous to be borne, even if the full fruition of accomplishment could lend to those who knew and loved him its most consoling power.

His stricken widow and the children of their love bewail in mute and helpless grief a bereavement which lacks none of the terrors of untimely death, of blasted hopes, and of sweetest joys, snatched away in the very hour of supreme realization. To this brave and worthy woman, left to battle and struggle alone with her burden of woe through unusual obstacles, and to these fatherless little ones, some



of whom can hardly know their loss, a grateful country will not fail to extend the warmest sympathy and most grateful remembrance.

But I do waste the time in bewailing his loss. His last deed on earth is done. His record is complete. No blot is there. It is pure as the white pages of the Book of Life. It is like a copy drawn by angel hands for the imitation of those who remain behind. To have prolonged his stay would seem to have been best for us, were he not one of the dead who yet speak with power drawn from the realizations of more worlds than one. His glory will not fade nor will he be forgotten until the history of his State is obliterated. There may have been stronger men, but he was strong; there may have been better men, but I have not known them.

New Hampshire is not ashamed of her other sons. She points to them as her jewels. But of none can she more truly say that he was a knight "without fear and without reproach" than of poor dead FARR, now embalmed in the immortal glory of his own life, and awaiting the reveille of the resurrection on the peaceful banks of the wild Ammonoosuck, while the shadows of Mount Washington lie tenderly on his grave. There is nothing more but to turn slowly and sadly to the exacting realities of life, and by imitation of his bright example to prepare for the inevitable hour.

The PRESIDING OFFICER. The question is on agreeing to the resolutions.

The resolutions were agreed to unanimously.

Mr. CONKLING. Mr. President, as a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock and twelve minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

TUESDAY, February 8, 1881.

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

The Journal of yesterday was read and approved.

### BUSINESS BY CONSENT.

Mr. FRYE. I am instructed by the Committee on Rules to present the resolution which I send to the desk.

Mr. CLYMER. I reserve all points of order on it.

The Clerk read the resolution, as follows:

*Resolved by the House of Representatives, After Wednesday next, on each day of the remainder of the session other than the third Monday of February and the last six days, whenever on motion the morning hour shall be dispensed with by a two-thirds vote, that hour shall be set apart for the consideration of bills on the several calendars under the following regulations: The States and Territories shall be called in order as now provided for, and as each is called, one of its members shall be named by the Speaker, selected in alphabetical order, who may move the consideration of a bill; if objected to by five members rising in their seats it shall not be considered, otherwise the member making the motion shall be entitled to five minutes for explanation of his bill, or, instead thereof, to the reading of the report accompanying the same, and then a vote shall be taken. The call of States shall go on from day to day until completed, as above provided, and whenever all the Members and Delegates from any State or Territory have been named by the Speaker, such State or Territory shall thereafter be omitted from the call until all the Members and Delegates shall have been so named. Any member not answering as his name is called shall be considered to have waived his privilege.*

Mr. CLYMER. I ask that the consideration of the resolution be postponed till to-morrow under the rule.

The SPEAKER. The gentleman from Pennsylvania asks that under the rule this resolution shall lie over one day. That is the gentleman's right. The Chair would suggest that the resolution be printed in the RECORD. The Chair hears no objection.

Mr. NEWBERRY. I desire to suggest an amendment.

The SPEAKER. That may be done when the resolution comes before the House for action.

Mr. NEWBERRY. I should like to suggest now that the consideration of bills on the Speaker's table be included in the resolution.

The SPEAKER. The committee only included the calendars because they only wished to recognize the right as applying to bills that had actually been reported by committees of this House. The committee thought in the case of every bill to be considered under this resolution, as far as possible, there should be a report from a committee of the House in favor of such bill.

### RIVER AND HARBOR APPROPRIATION BILL.

Mr. REAGAN. I rise to a privileged question. I desire to report back from the Committee on Commerce the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes.

The SPEAKER. What action does the gentleman desire?

Mr. REAGAN. I move that the bill be referred to the Committee of the Whole on the state of the Union, and I give notice that I shall, when the morning hour is through, move that the House go into Committee of the Whole to consider the bill.

Mr. CLYMER. I reserve all points of order.

The bill was referred to the Committee of the Whole on the state of the Union.

### ORDER OF BUSINESS.

Mr. ATKINS. I hope the gentleman from Texas will not press the river and harbor bill this morning.

The SPEAKER. The Chair will state that he will recognize the gentleman from Tennessee, [Mr. ATKINS,] the chairman of the Committee on Appropriations, because the gentleman from Tennessee some days ago gave notice to the House that he would to-day move to proceed to the consideration of the legislative bill.

Mr. ATKINS. I move to dispense with the morning hour, my object being to take up the legislative appropriation bill.

Mr. REAGAN. I desire to state—

The SPEAKER. Priority of business is not debatable.

Mr. REAGAN. I know that; but I wish to suggest to the Speaker here are two bills standing on equal ground represented by committees of equal dignity coming before the House. The Committee on Commerce presented this bill—

The SPEAKER. That is in the nature of debate.

Mr. REAGAN. But because the gentleman from Tennessee gave notice that he would call up another bill the Speaker chooses to give priority to the bill reported from the Committee on Appropriations.

The SPEAKER. The gentleman from Tennessee [Mr. ATKINS] had given notice to the House that he would call up that bill to-day.

Mr. ATKINS. I trust I may be allowed a word of reply. As the Speaker has already stated, I gave notice last week I would this morning call up the legislative appropriation bill; and I do not think the gentleman from Texas should make remarks of the character in which he has indulged.

The SPEAKER. The gentleman from Texas has no right to complain of the action of the Chair in recognizing the gentleman from Tennessee. The notice was given in open House. The Chair thinks that the legislative appropriation bill should have preference under the circumstances. The gentleman from Texas had on yesterday an opportunity to bring the river and harbor bill before the House. The gentleman from Tennessee [Mr. ATKINS] moves that the morning hour of to-day be dispensed with.

Mr. FROST. The gentleman from Tennessee yields to me for a moment to call up from the Speaker's table the Senate bill No. 781 and to ask that it may be put on its passage.

Mr. ROBESON. Will the gentleman from Tennessee [Mr. ATKINS] yield to me afterward to call up a bill? That is what I want to know.

Many MEMBERS. Regular order!

The SPEAKER. The regular order is demanded, which is the motion of the gentleman from Tennessee [Mr. ATKINS] to dispense with the morning hour for reports of committees.

The motion was agreed to, two-thirds voting in favor thereof.

Several MEMBERS. Regular order!

Mr. GOODE. Will the gentleman from Tennessee [Mr. ATKINS] yield to me for a moment?

The SPEAKER. The regular order has been called for.

Mr. GOODE. I think not since the morning hour was dispensed with.

The SPEAKER. It was, and but a moment since.

### LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ATKINS. I now report from the Committee on Appropriations the bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, and move that it be referred to the Committee of the Whole on the state of the Union.

The motion was agreed to.

Mr. BURROWS. I desire to reserve all points of order on the bill.

The SPEAKER. They will be reserved.

### ORDER OF BUSINESS.

Mr. REAGAN. I desire to give notice that in Committee of the Whole I will antagonize the legislative appropriation bill with the river and harbor appropriation bill.

Mr. COX. And I desire to call up the unfinished business, being the apportionment bill, which I hope may be finished to-day.

Mr. ATKINS. Well, we will have to fight it out in Committee of the Whole. I move that the House now resolve itself into Committee of the Whole, my purpose being to proceed with the consideration of the legislative appropriation bill.

Mr. REAGAN. And in Committee of the Whole I shall insist upon going on with the river and harbor appropriation bill.

Mr. ATKINS. That is all right.

Mr. REAGAN. I desire to inquire if the order has been made to refer the river and harbor appropriation bill to the Committee of the Whole on the state of the Union?

The SPEAKER. The bill was referred to the Committee of the Whole on the state of the Union, and all points of order on the bill were reserved.

Mr. McLANE. I desire to make a parliamentary inquiry of the Chair.

The SPEAKER. The gentleman will state it.

Mr. McLANE. Not to embarrass my friend from Tennessee [Mr. ATKINS] or the chairman of the Committee on Commerce, [Mr. REAGAN,] I desire to know whether the bill which the chairman of the Committee on Commerce proposed to report to the House has been received and referred to the Committee of the Whole?

The SPEAKER. It has been, on the motion of the gentleman from Texas, [Mr. REAGAN,] and all points of order on the bill were reserved by the gentleman from Pennsylvania, [Mr. CLYMER.]

Mr. SPRINGER. I desire to make a parliamentary inquiry.

The SPEAKER. The Chair will hear the gentleman.

Mr. SPRINGER. If the House shall now resolve itself into Committee of the Whole on the state of the Union, can the gentleman from Texas [Mr. REAGAN] antagonize in the committee the bill of the gentleman from Tennessee, [Mr. ATKINS?] Under the rules we must in committee consider the bills in the order in which they are upon the Calendar.

The SPEAKER. The Chair will cause the rule to be read; clause 9, Rule XVI.

Mr. COX. I want the Chair to remember that I have raised the question of consideration for the purpose of going on with the appropriation bill as unfinished business.

Mr. ATKINS. I suggest to my friend from New York [Mr. Cox] to allow us to go into Committee of the Whole, and we will fight it out on that line.

The SPEAKER. The Chair will cause both rules to be read, applicable to the controversy, between the gentleman from Tennessee [Mr. ATKINS] and the gentleman from New York, [Mr. COX.]

The Clerk read clause 4 of Rule XXIV, as follows:

After the hour shall have been devoted to reports from committees, it shall be in order to proceed to the consideration of the unfinished business in which the House may have been engaged at an adjournment, and at the same time each day thereafter, other than the first and third Mondays, until disposed of; and it shall be in order to proceed to the consideration of all other unfinished business whenever the class of business to which it belongs shall be in order.

The Clerk also read clause 9 of Rule XVI, as follows:

At any time after the expiration of the morning hour it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills.

The SPEAKER. Under the clause of the rule which has just been read the Chair is bound to recognize the gentleman from Tennessee [Mr. ATKINS] to submit a motion to go into Committee of the Whole on the state of the Union for the purpose of considering a specific bill, a general appropriation bill. Should that motion be voted down, the Chair would then recognize the gentleman from Texas [Mr. REAGAN] or the gentleman from New York [Mr. COX] to move to go into the Committee of the Whole on the state of the Union on the river and harbor bill, or to call up the unfinished business respectively, should there be no intervening motion having a higher privilege than the river and harbor bill or the unfinished business.

Mr. ATKINS. I submit the motion to go into Committee of the Whole on the state of the Union to consider the legislative appropriation bill.

Mr. FRYE. Will the gentleman from Tennessee [Mr. ATKINS] yield to me on a matter of privilege, to submit an order touching the use of the galleries of the House during to-morrow's proceedings?

Mr. ATKINS. I will do so if I can in order.

The SPEAKER. It can be done by unanimous consent.

Mr. FRYE. It will take but a moment.

The SPEAKER. The order will be read.

#### ADMISSION TO GALLERIES OF THE HOUSE.

Mr. FRYE. I will read the order:

*Ordered*, That on Wednesday, February 9, the whole of the east gallery shall be reserved for the use of the families of the members of the Senate and the House and their visitors. The Doorkeeper shall strictly enforce this order.

I offer this at the request of the Committee on Rules.

Mr. BROWNE. The latter portion of the order should be changed so as to secure equality among members as nearly as possible.

Mr. BUCKNER. The east galleries will not accommodate all the families of members. I suggest that they be admitted to the space in the rear of the seats.

The SPEAKER. The Chair thinks that has never been done during the proceedings attending an electoral count.

Mr. VALENTINE. Will the construction of that order be to admit the families of members on the Speaker's pass, or on the passes of the members themselves?

The SPEAKER. The Chair hopes not on the Speaker's pass.

Mr. VALENTINE. If it is meant that under this resolution persons are to be admitted upon the red tickets which members have already given out, there are enough persons now in the city holding such tickets to more than fill the galleries mentioned; and they will be filled so early that the families of members will have no chance.

The SPEAKER. Those tickets admit persons to the visitors' gallery—not to the galleries intended for members' families. The resolution proposes no restriction, as the Chair understands, in regard to the members' gallery on the left.

Mr. PHILIPS. I wish to inquire how, under the operation of this resolution, the doorkeepers are to ascertain who are the families and visitors of members. As is well understood, there are now out a great many passes given to various parties by members. It seems to me that this resolution ought to be accompanied with some provision for the issue of new passes for this occasion.

Mr. DIBRELL. How many passes will each Senator and Representative be allowed to give

Mr. FRYE. I think gentlemen of the House do not understand the effect of this resolution. It proposes that the gallery on the east side of the Hall be reserved for the families of members and visitors to their families. Every gentleman sending any person into that gallery will do so upon the pledge on his honor that the person is a member of his family or a visitor to his family. I am sorry to say that in this respect members have not adhered to the intention of the rule; and it has been necessary to issue strict orders to the Doorkeeper to enforce the rule. No member has had the right to issue a pass to the gallery appropriated to families of members and their visitors. Properly, under the rules, admission there is obtained only upon a card given by the Speaker of the House for the use of the family of a member. Now this gallery here on the west side of the Hall has been reserved for the use of members; and they have been entitled to issue passes to it. Under this proposed order members will still have the right to give passes to that gallery. The diplomatic gallery is of course reserved for members of the diplomatic corps; so that members will see how much of our galleries will be left for the general public. If members of the House and the Senate will themselves observe the requirements of this order and send to the gallery indicated none others than their families and visitors to their families, there will be ample room.

Mr. O'NEILL. What is to become of visitors in the city who are not visitors to the families of members of Congress?

Mr. FRYE, (exhibiting a card.) There is a pass of the Speaker issued to the family of a member, and every member is entitled to one such card. It is signed by the Speaker, and is called the Speaker's pass.

Mr. O'NEILL. I think to-morrow should be a day specifically given to the people who have come to this capital to witness the count, and that we should not restrict too much the use of the galleries. There are many people in the city not visiting the families of members of Congress who desire to be present here to-morrow, and I think we should recognize that they have some right to be accommodated.

Mr. PHILIPS. My suggestion had reference to the fact that passes may now be out in the possession of parties not entitled to entrance to that gallery. Hence it might be proper to have the doorkeepers instructed to permit no one to enter that gallery except upon a pass of this date. This would effectually prevent the abuse which gentlemen complain of.

The SPEAKER. The Chair desires to state that admission to the front bench of the members' gallery has been placed at the disposal of the Speaker; but he has not confined such admission to members of his family and visitors of his family. He has issued cards of admission over and over again to members having as guests distinguished gentlemen from their districts, whom there was no other way to accommodate. He has also several times given admission to that bench to members of the British Parliament, because he was not able under the rule to ask consent to bring such persons on the floor.

Mr. BREWER. I think the resolution should be amended so as to provide that not exceeding five persons shall be admitted upon any one pass.

Mr. PRICE. That will be ten times as many as there will be room for.

Mr. BREWER. It is understood very well that without some restriction of this kind there are members of this House who would almost fill one of those galleries with citizens of Washington, bringing them in as members of their families. I have seen it done frequently; and it will be done to-morrow unless we adopt some provision to prevent it. We do not want those seats filled so that the wives or families of members cannot find accommodation.

The SPEAKER. The Chair is of opinion that an average of one person for each Senator and member would fill the space thus far suggested.

Mr. BREWER. Unless we adopt a limitation of this kind, those galleries will be filled by those who will enter upon the passes of not exceeding twenty members.

The SPEAKER. An average of five persons to each Senator or member would make near two thousand persons.

Mr. BREWER. I suggest that a certain limited number of tickets be issued to each member and each Senator.

Mr. BAILEY. Can this resolution be amended?

The SPEAKER. It can be; the resolution is before the House.

Mr. BAILEY. I move to amend by striking out the words "and their visitors."

The SPEAKER. The Chair entertains that amendment. The gentleman from New York moves to amend the resolution so that practically the right of admission shall be restricted to the immediate families of members or Senators.

Mr. BROWNE. I think we had better leave the galleries in just the condition in which they are now left by the rules. The rule admits members, their families, and the visitors of their families to the galleries provided on the east side of the Hall; and members may give passes to the members' gallery on the west side. We cannot now undertake to adjust these differences in a way satisfactory to all members of the House. There are two hundred and ninety-three members, and I believe eight delegates, making over three hundred. If each of these three hundred gentlemen should issue a pass to but one person these galleries would be filled. I think, therefore, we had



better let those who can obtain, under the rule, admission to the members' gallery do so, leaving the residue of these galleries open to the general public, of whom the most vigilant will obtain seats, while the others will be excluded.

Mr. HILL. Mr. Speaker, I think this matter is already well regulated. If you allow the word "visitors" to go into that resolution the result will be that it will embrace the whole country. Members who have no wives here, who have no families, will be allowed to issue as many passes as they please to their lady friends, and the result will be that gallery will be crowded with people who are in no wise connected with a member or his family. There are enough of ladies in this city now who are of the families of members to fill that gallery, and I trust that change will not be made. You will find before eight o'clock to-morrow morning, if this resolution is adopted, that those galleries will be filled with visitors, and when members' wives come here they will not be allowed to enter. I move to lay the resolution on the table.

Mr. SPRINGER. I hope the gentleman will withdraw that and allow the whole subject to be referred to the Committee on Rules, with instructions to act in the matter as they may think fit. That will give general satisfaction. The Committee on Rules can take such measures as they deem fit.

Mr. HILL. I have no objection to that.

Mr. SPRINGER. The gentleman from Ohio withdraws the motion to lay upon the table, and allows me to move the reference of the whole subject to the Committee on Rules, to take such action as seems to them fit.

Mr. ROBESON. With the gentleman's permission, I wish to say a word.

Mr. TOWNSHEND, of Illinois. I move to lay the whole subject on the table.

Mr. ROBESON. Let me make a suggestion. That gallery will hold perhaps four hundred people. I do not exactly know how many—say five hundred people. By giving to each member a limited number of tickets, to dispose of to whom he pleases, to his family, if he wishes, to his friends, if he prefers, then you will be absolutely fair, and each man will enjoy equal rights through his representatives there. I move as an amendment that three tickets be issued to each member of this House and three to each member of the Senate, signed by the Speaker, for admittance to that gallery to-morrow, and that no other tickets be recognized.

The SPEAKER. The Chair desires to state that the Committee on Rules have considered this subject.

Several MEMBERS. Three tickets are too many to each Member and Senator. The gallery will not hold that number.

The SPEAKER. That will make twelve hundred tickets, and there is no room for more than four hundred, if properly accommodated, in the space mentioned.

Mr. ROBESON. I withdraw the word "three" and make it "two."

Several MEMBERS. Make it one.

Mr. SPRINGER. I move to refer the whole subject to the Committee on Rules.

The SPEAKER. The Chair will entertain that motion.

Mr. TOWNSHEND, of Illinois. And I move to lay the whole subject upon the table.

The motion of Mr. TOWNSHEND, of Illinois, was disagreed to.

Mr. SPRINGER. I ask now to have a vote on my motion to refer the whole subject to the Committee on Rules, with the power to take such action as in their judgment may seem best.

The SPEAKER. The Chair desires to state that the Committee on Rules have considered this subject—

Mr. MCCOOK. I hope the Chair will give to the House a parliamentary definition of the word "family." [Laughter.]

The SPEAKER. It is not within the scope of duty of the Chair to do so. [Laughter.]

Mr. SPRINGER. I think some provision should be made for issuing tickets for all the galleries to-morrow.

The SPEAKER. The question will be on the motion of the gentleman from Illinois, to refer the whole subject to the Committee on Rules to take such action as to them may seem best.

Mr. FRYE. What is the use of doing that? The Committee on Rules cannot meet to-day and make report, and this whole provision will have to be made to-morrow by ten or eleven o'clock.

Mr. SPRINGER. I withdraw my motion to refer to the Committee on Rules.

Mr. ROBESON. I now move my amendment.

The SPEAKER. The question now recurs on the motion of the gentleman from New York, [Mr. BAILEY,] to strike out so much of the resolution as refers to the admission of visitors. The resolution will be read as it will stand if amended.

Mr. FRYE. I desire to suggest to the gentleman from New York to modify his amendment so the Speaker shall issue to each member two cards of admittance, and that only persons holding these cards shall be admitted.

Mr. ROBESON. That is right.

Mr. BAILEY. I withdraw my amendment.

Mr. ROBESON. I also withdraw my amendment.

The SPEAKER. The question is on the amendment of the gentleman from Maine. The Clerk will read the resolution as it will stand if amended as proposed.

The Clerk read as follows:

*Ordered*, That on Wednesday, February 9, the whole east gallery shall be reserved for the use of families of Members and Senators, and their visitors, and the Doorkeeper shall strictly enforce this order. The Speaker shall issue to each family two cards of admission.

Mr. SPRINGER. That should read "member."

Mr. FRYE. No; the original order runs to the family and this may as well run to the family, no matter if some gentlemen are unfortunate enough not to have families. [Laughter.]

Mr. MCCOOK. I do not wish any provision which will exclude me from the privileges accorded to any other member.

Mr. FRYE. The gentleman has all those privileges under the resolution as proposed.

Mr. MCCOOK. The original resolution unquestionably did not; but what it may be after it is amended as proposed, or whether I would or would not have that privilege, I am unable to see.

Mr. BOWMAN. Can I move an amendment?

The SPEAKER. It depends upon whether it is in order or not.

Mr. FRYE. I will amend the resolution still further by adding to it the words, "to each Senator and member of the House of Representatives." [Cries of "That is right!"]

Mr. BOWMAN. The amendment I propose to offer is this, and it seems to me to be one that there will be no objection to, that as many tickets be printed as there are places in the whole eastern gallery, and divided equally between Senators and members of the House of Representatives. [Cries of "Oh, no!"]

Mr. SAMFORD. What will be the effect of the resolution as now proposed?

The SPEAKER. The Chair thinks the result of the first resolution will set apart the whole eastern gallery for the use of the Senators and Members and their families, and this puts a limitation upon the admission of Members and Senators to two tickets, and no one would be admitted without such ticket.

Mr. FRYE. That practically does so now, in the manner in which I originally presented it.

Mr. ROBESON. I wish to ask a question, whether the whole eastern gallery is included from the reporters' line—

The SPEAKER. It is not; that is part of the southern gallery.

Mr. ROBESON. I move that the words "eastern gallery" be so construed as to include that portion of the south gallery east of the reporters' gallery. [Cries of "That is right!"]

The SPEAKER. The resolution as proposed will be read again.

The Clerk read as follows:

*Ordered*, That on Wednesday, February 9, the whole of the east gallery shall be reserved for the use of the families of Senators and members of the House and their visitors. The Doorkeeper shall strictly enforce this order. The Speaker shall issue to each Senator and member of the House of Representatives two cards of admission, and only persons holding those cards shall be admitted.

The SPEAKER. That gives to each Senator and Member the right to seat two persons in the east gallery.

Mr. SPARKS. It won't hold half of them.

Mr. SPRINGER. I desire to offer the following additional provision.

Mr. ATKINS. I rise to a question of order. I hope the gentleman from Maine [Mr. FRYE] will withdraw his resolution and let us proceed to public business.

Mr. ROBESON. Oh, no; if he does, I will renew it.

Several MEMBERS. Let the resolution be again read.

The resolution was again read.

Mr. ROBESON. I move to amend the resolution as reported by inserting after the words "east gallery" the words "and such portion of the south gallery as lies east of the reporters' gallery." [Cries of "That is right!"]

The amendment was agreed to.

Mr. BURROWS. I wish to inquire whether it is the intention of the mover of this resolution to exclude the Delegates who have seats on the floor?

The SPEAKER. By unanimous consent the word Delegates will be inserted.

There was no objection.

Mr. SPRINGER. I ask that my amendment be read.

The Clerk read as follows:

And provided that the other galleries be reserved for those having members' passes.

Mr. SAMFORD. I wish to inquire if under the resolution proposed any one else except the families of Members and Senators can be admitted?

The SPEAKER. The Chair thinks not. That of course must be on the honor of the Member or Senator himself. The Doorkeeper in such a crowd could not distinguish between those persons entitled and those who are not entitled under this resolution.

Mr. SAMFORD. I asked the question to get the construction of the Chair upon it, as there seems to be some difference of opinion among the gentlemen around me.

Mr. TALBOTT. I wish to ask a question. Suppose a member has two tickets for which he has no special use and desires to give them to some member who has more than two members in his family, would it be a violation of the order to do that?

The SPEAKER. The Chair thinks not.

Mr. SPRINGER. The object of the provision which I have sent

to the desk is to allow a portion of the gallery to be set apart for the use of members who desire to give passes to friends who may be visiting in the city. As it is now only a very small portion of the gallery is set apart for that purpose.

The SPEAKER. The question is on the amendment suggested by the gentleman from Illinois.

The amendment was not agreed to.

The resolution, as amended, was then agreed to.

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

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. ATKINS. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the legislative appropriation bill.

Mr. COX. Before that motion is put I desire to say to the House that on next Thursday—

The SPEAKER. Debate is not in order.

Mr. COX. I do not propose to debate anything. I am simply making an announcement to the House. I wish to state that I will waive the question of consideration to-day if the gentleman from Tennessee desires to go on with the appropriation bill, with the understanding that I shall bring up the apportionment bill on Thursday morning next, after the morning hour.

Mr. ATKINS. I desire to say—

The SPEAKER. Debate is not in order.

Mr. ATKINS. I merely wish the same privilege the gentleman from New York had.

The SPEAKER. The Chair does not wish to allow any privilege, as no debate is in order on this question.

Mr. ATKINS. I want to say, lest it might be taken as a tacit understanding on my part, if I remained silent, that I will press the consideration of the legislative appropriation bill on Thursday next. I desire to give notice to the House that on Thursday I shall endeavor to proceed with the consideration of this appropriation bill.

Mr. COX. Then I give notice that I will contest it by raising the question of consideration on the apportionment bill.

Mr. HOUSE. I rise to make a parliamentary inquiry.

Mr. COX. I shall insist on the question of consideration to-day.

Mr. HOUSE. I understand the gentleman from Tennessee has moved that the House resolve itself into Committee of the Whole on the state of the Union to consider the legislative appropriation bill. Can the gentleman from New York now raise the question of consideration?

The SPEAKER. The way to raise the question of consideration under the rule would be to vote down the proposition.

Mr. HOUSE. Of the gentleman from Tennessee?

The SPEAKER. Yes.

Mr. HOUSE. All right.

Mr. REAGAN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. REAGAN. Is the motion of the gentleman from Tennessee merely to go into Committee of the Whole or to go into Committee of the Whole to consider a particular bill?

The SPEAKER. The Chair thinks the gentleman from Tennessee under clause 9 of Rule XVI has the right to indicate the particular bill that he wants the House to go into Committee of the Whole to consider. The Clerk will read that clause.

The Clerk read as follows:

At any time after the expiration of the morning hour it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills.

The SPEAKER. When the House was acting on business from the Ways and Means Committee the chairman of that committee always, without controversy, moved that the House go into Committee of the Whole on the state of the Union to consider the particular bill, the funding bill for instance.

Mr. REAGAN. I desire to call the attention of the Chair to clause 7 of Rule XI, where it is provided:

The Committee on Commerce shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills.

The SPEAKER. The Chair has not denied that right to the Committee on Commerce in any particular, but merely gave preference to the Appropriations Committee because of former notice.

Mr. REAGAN. If the Chair will allow me one moment, I wish to say this: if the motion is to go into Committee of the Whole to consider a particular bill, I desire to know it that I may now antagonize it.

The SPEAKER. The gentleman's remedy is to try to vote down the proposition. If it should be voted down, the Chair would then accord to the Committee on Commerce the same right as is now accorded to the Committee on Appropriations.

Mr. REAGAN. Then I ask the House to vote down the pending proposition, and give notice that I shall thereafter move that the House resolve itself into Committee of the Whole for the purpose of considering the river and harbor bill.

The question being taken on the motion of Mr. ATKINS, the affirmative vote was 109.

Mr. McLANE. I rise to a parliamentary inquiry.

The SPEAKER. Before hearing the gentleman's inquiry, the Chair would prefer to finish the count.

Mr. McLANE. My inquiry might influence the count.

The negative vote was then counted; and there were yeas 82.

Mr. McLANE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McLANE. I intend to call for the yeas and nays on this vote, but before I do so I desire to make a parliamentary inquiry. I desire to know whether the ruling of the Chair upon the ninth clause of Rule XVI excludes the Committee of the Whole on the state of the Union from exercising its discretion?

The SPEAKER. The Chair has never decided what the Committee of the Whole House on the state of the Union shall do.

Mr. McLANE. I understood the Chair to rule distinctly—

The SPEAKER. The Chair did not rule as to any proceeding in the Committee of the Whole on the state of the Union.

Mr. McLANE. I understood the Chair to rule distinctly that the gentleman from Tennessee had the right—

The SPEAKER. The gentleman misunderstood the Chair; and there was nothing in the language of the Chair that would give a semblance to such a proposition. The Chair rules in the House. The Committee of the Whole controls its own action.

Mr. McLANE. I beg pardon if I am not understood by the Chair; but I understood the Chair to rule that the gentleman from Tennessee had the right to indicate what bill should be taken up in Committee of the Whole.

The SPEAKER. That is right. That is in the House. The Committee of the Whole must work out its own difficulties.

#### ENROLLED BILLS SIGNED.

Pending the announcement of the result of the vote on the motion of Mr. ATKINS,

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

A bill (S. No. 939) to amend the law relative to the seizure and forfeiture of vessels for breach of the revenue laws.

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

A joint resolution (H. R. No. 388) to provide for publishing an edition of Hayden's Atlas of Colorado;

A bill (H. R. No. 4596) authorizing the survey of parts of certain townships in Crawford County, Wisconsin, and making an appropriation therefor;

A bill (H. R. No. 735) for the relief of Dr. John Blankenship;

A bill (H. R. No. 706) for the relief of A. B. Rowden;

A bill (H. R. No. 7098) making an appropriation for the flooring of the National Museum;

A bill (H. R. No. 6527) to grant to corporate authorities of the city of Council Bluffs, in the State of Iowa, for public uses, a certain lake known as Carr Lake, situated near said city; and

A bill (H. R. No. 6229) to grant the right of way for railroad purposes through certain lands of the United States in Richmond County, New York.

#### RELIEF OF JEANNETTE EXPEDITION.

Mr. WHITTHORNE. I ask unanimous consent to take from the Speaker's table the bill (S. No. 2131) appropriating money, to be used under the direction of the Navy Department, to prosecute a search for the steamer Jeannette of the arctic exploring expedition, and move that the same be referred to the Committee on Appropriations with instructions to report back the same during the present week.

The SPEAKER. That requires unanimous consent.

There was no objection, and it was so ordered.

#### TAX ON BANK CAPITAL AND DEPOSITS, ETC.

The SPEAKER, by unanimous consent, laid before the House a resolution of the board of directors of the Merchants' Exchange of Saint Louis, recommending the repeal of the special taxes levied upon the capital and deposits of banks and bankers, and also the special tax upon bank checks; which was referred to the Committee on Ways and Means.

#### EXECUTOR OF WALTER R. IRWIN.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, recommending an appropriation of \$317 for the payment of the executor of Walter R. Irwin; which was referred to the Committee on Appropriations.

#### CENSUS OFFICE BUILDING.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, recommending an appropriation of \$5,000 for the rent of the building occupied by the Census Office; which was referred to the Committee on Appropriations.

#### SPRINGFIELD ARMORY.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the pay of the master armorer of the Spring-



field armory; which was referred to the Committee on Appropriations.

#### SURVEY OF RIVERS IN NORTH AND SOUTH CAROLINA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting report of the surveys of Black and other rivers in South Carolina, and of Cape Fear and other rivers in North Carolina; which was referred to the Committee on Commerce, and ordered to be printed.

#### NATIONAL BOARD OF HEALTH.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting the report of the National Board of Health for the quarter ending December 31, 1880; which was referred to the Select Committee on the origin, introduction, and prevention of Epidemic Diseases in the United States.

#### ORDER OF BUSINESS.

The SPEAKER. The vote upon the motion of the gentleman from Tennessee [Mr. ATKINS] was—ayes 109, noes 82. The motion is agreed to.

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

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union.

Mr. ATKINS. I ask consent that the first and formal reading of the legislative, executive, and judicial appropriation bill be dispensed with.

Mr. REAGAN. I move to take up the river and harbor appropriation bill, which precedes that bill on the Calendar.

The CHAIRMAN. The Clerk will read the order under which the House resolved itself into Committee of the Whole on the state of the Union, after which the Chair will consider and decide what can be done under that order.

The Clerk read as follows:

Mr. ATKINS moved that the House resolve itself into Committee of the Whole on the state of the Union to consider the bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

Which said motion was agreed to.

Mr. REAGAN. The objection I make to taking up the legislative appropriation bill at this time is that no order of the House can change the rules of the House. Under the rules the Committee of the Whole must decide its order of proceedings. The rule of the House cannot be changed by an order of the House, except by unanimous consent, or on one day's notice. The order of the House was to go into Committee of the Whole on the state of the Union, and the order of business in Committee of the Whole prescribed by the rules of the House cannot be changed by a simple order of the House in contravention of the rules.

I will state further that, as I understand it, the river and harbor appropriation bill stands upon the Calendar of the Committee of the Whole ahead of the legislative, executive, and judicial appropriation bill. Now, I have no personal desire to antagonize the legislative, executive, and judicial appropriation bill; but in the present condition of the business of the House we consider that the river and harbor appropriation bill should be first considered and disposed of. We desire such action as will not injure public interests by defeating the bill making appropriations for river and harbor improvements.

Mr. ATKINS. I hope the Committee of the Whole will sustain the order which the House has made and take up for consideration the legislative, executive, and judicial appropriation bill. That is the great pay bill of the Government; its appropriations are to carry on the various Departments of the Government; and it is therefore a far more important bill than the river and harbor appropriation bill. I voted yesterday with the gentleman for the river and harbor appropriation bill; so far as that is concerned, I have no antagonism whatever to it. But I am unwilling that the river and harbor bill, having had its chance, should now be allowed to come in and displace the legislative appropriation bill. I hope that members on both sides of the House will agree now to take up this great pay bill which carries on all the Departments of the Government, without which there must be an extra session of Congress.

Mr. REAGAN. This river and harbor appropriation bill occupies such a position that if its consideration and passage are delayed until the third Monday of this month there will be but nine working days of the session left, and it is doubtful whether the Senate will then have sufficient time to act upon it. Besides, under the ruling of the Speaker, the chances are that the Committee on Commerce would not be recognized on that day; it could not be if the Chair should adhere to the ruling he has made. Therefore, I tell the members of this House now that in my judgment the decision we shall make upon this question will determine whether we are to have any river and harbor bill or not.

Mr. ATKINS. I think that in two or three days we can get through with this legislative appropriation bill if we work steadily at it. And certainly two or three days will not defeat the river and harbor appropriation bill, if we can get through at all.

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

The CHAIRMAN. The gentleman will state it.

Mr. LOUNSBERY. My point of order is that the order of the House

confines the action of this Committee of the Whole to a particular bill and it has not power to act upon any other bill.

The CHAIRMAN. The Chair was about to decide the point of order, and to suggest to the gentleman from Texas [Mr. REAGAN] the only way in the judgment of the Chair in which the order of the House can be avoided.

It is undoubtedly true that the Committee of the Whole on the state of the Union bears the same relation to the House that every other committee does, and is bound just as much as any other committee is bound by any order or instruction which the House may give it. It is not in the power of the chairman of the committee, or of the committee itself, to overrule an order which the House has made, no matter what the chairman or the committee may think of the propriety of that order. Therefore, the House having resolved itself into Committee of the Whole on the state of the Union for the purpose of considering a particular bill, the chairman of the committee cannot lay before the committee for its consideration any other bill. If gentlemen are dissatisfied with that order of the House, a motion that the committee rise may be made and entertained; and if agreed to, then, when in the House, the order may be made that the House may resolve itself into Committee of the Whole on the state of the Union generally, in which event the motion made by the gentleman from Texas in regard to the river and harbor appropriation bill would be in order; or it may resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the river and harbor appropriation bill or any other bill pending in the committee. The sense of the House may be taken in that way, and when its will has been expressed the committee must obey it; and this is all that the Chair decides on the point now made.

Mr. REAGAN. I will submit that motion.

Mr. McLANE. Before the motion is made that the committee rise I desire the indulgence of the Chair, if he will hear me for one moment.

The CHAIRMAN. Certainly.

Mr. McLANE. I submit to the Chair, not with a view especially to this question, because the gentleman from Texas has indicated his intention to pursue another course, but in view of the rules of the House and its practice, I desire to submit to the Chair—

Mr. HAYES. Has not the Chair already decided this question of order?

The CHAIRMAN. But the gentleman from Maryland asks permission to be heard.

Mr. ATKINS. I object.

Mr. REAGAN. I move that the committee rise.

Mr. SPRINGER. I rise to a question of order. I ask the Clerk to read clause 4 of Rule XXIII, on page 181 of the Manual.

The CHAIRMAN. For what purpose does the gentleman desire the rule to be read? The Chair has decided the question of order.

Mr. SPRINGER. This rule provides—

Mr. ATKINS. Does the gentleman appeal from the decision of the Chair? If not, I make the point of order that he is out of order.

Mr. SPRINGER. I have risen to a question of order.

The CHAIRMAN. The gentleman will please state his question of order.

Mr. SPRINGER. My point is that the House is now in Committee of the Whole on the state of the Union for the consideration of bills in that committee, and that clause 4 of Rule XXIII is to govern our proceedings. I read that clause:

In Committees of the Whole House, business on their calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, and when objection is made to the consideration of any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall decide, without debate, whether such bill or proposition shall be considered or laid aside for the present; whereupon the committee shall resume its sitting without further order of the House.

The CHAIRMAN. The Chair has just decided that if the House had resolved itself into Committee of the Whole generally, that rule would govern; but when the House has given the committee an order the committee must follow that order.

Mr. SPRINGER. The Chair will pardon me for saying that it is not in order to move to go into Committee of the Whole for the consideration of a particular bill except by unanimous consent.

The CHAIRMAN. That was a question for the House; the Committee of the Whole cannot overrule the action of the House.

Mr. BLOUNT. I demand the regular order.

The CHAIRMAN. The regular order being demanded, the question is on the motion of the gentleman from Texas, that the committee rise.

The question being taken, there were—ayes 68, noes 93.

Mr. REAGAN. I call for tellers.

Tellers were not ordered.

So the motion that the committee rise was not agreed to.

Mr. REAGAN. Can an appeal be taken from the decision of the Chair? [Cries of "Too late!"]

The CHAIRMAN. Of course it is too late under the rules to take an appeal; but the Chair would be well satisfied to have the appeal taken and decided.

Mr. KENNA. I hope the gentleman from Texas will not take an appeal.

Mr. HARRIS, of Virginia. I think that under the circumstances,

the committee acting under the instruction of the House to consider a particular bill, the Chair would have no right to entertain an appeal.

Mr. REAGAN. That is the very point of the question.

Mr. ATKINS. I make the point that it is too late to take an appeal.

The CHAIRMAN. The point is made that the appeal comes too late. The Clerk will proceed to read the bill.

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

The Clerk read as follows:

A bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

Mr. ATKINS. I ask unanimous consent that the first reading of the bill for information be dispensed with.

There being no objection, it was ordered accordingly.

Mr. ATKINS. Mr. Chairman, after the waste of an hour of precious time this morning, I do not feel disposed to make any extended remarks on this bill. If the House will give me its ear, I think I can in from three to five minutes, give some idea of the differences between the present bill and the law making appropriations for the legislative, executive, and judicial expenses of the Government for the current year.

The estimates for this bill amount to \$17,771,857. The bill appropriates \$17,181,091. The estimates exceed the appropriations in the bill by the sum of \$590,766. The appropriations proposed in this bill exceed those embraced in the law for the current year by the sum of \$879,885. The appropriations for the current year aggregate \$16,301,205. The increase of \$879,885 in the present bill over the appropriation act for the current year consists principally of increased appropriations for the Internal Revenue Department. For salaries and expenses of collectors and deputy collectors in that department there is an increase of \$50,000; for salaries of agents and surveyors and their expenses, an increase of \$400,000; and for dies, paper, and stamps, \$67,000, aggregating \$517,000.

It is estimated that the internal revenue during the coming year will reach the enormous sum of \$135,000,000, requiring additional collectors, clerks, and other employes of every description and various increased expenses to collect this additional amount of revenue. There is a considerable increase of distilleries, tobacco factories, &c.

Then, sir, the increased expenses of Congress amount to nearly \$58,000 on account of provision being made for a long session instead of a short one. For the independent treasury there is an increase of a little over \$50,000, of which, however, \$50,000 is intended for the reissue of United States Treasury notes in place of mutilated notes that may be brought in. The appropriations for mints are increased \$23,000. Then there is an increase of \$33,000 for expenses of territorial governments in consequence of the repeal of the former law fixing the limit of sessions of territorial Legislatures.

When I was not here during the present session of Congress a bill was introduced repealing the act passed a few years ago which required only forty days' session for the Legislative Assembly of each Territory, and that time was extended from forty days to sixty days. This repeal was secured by reference simply to the section of the Revised Statutes, and without any other caption it went to the Senate and in the same way was passed there. I venture to say there are not ten men in this House to-day who know that law was repealed, but so it was that the law was repealed, and by this increase of the sessions of territorial Legislatures from forty days to sixty days there has been an increase of expense of \$33,000, which is appropriated for in this bill.

Then we have increased the Land Office \$20,000, and for surveyors-general and their clerks \$15,000. The Pension Office has an increase of over fourteen thousand dollars. There is a heavy increase for the Patent Office of over thirty-six thousand dollars. We have increased the clerical force of the Patent Office thirty-three in number, and we have also provided for an increase of clerical force in the Post-Office Department of some twenty-eight. Slight increase has been made in other respects in the bill.

There are but three or four salaries in this bill that have been increased. In the first place, we have created one new office. The officer, however, was discharging his duties before, but he was paid in a different way from that which we now provide. We have put upon the regular roll what is called a Government actuary. The officer has been in existence for several years, but paid out of the appropriation for the standard silver dollar. We now put him on the regular roll at a salary of \$2,000 a year. He is deemed a necessary officer by the Secretary of the Treasury and other officers of the Government.

We have put back the salary of the Auditor of Railroads to \$5,000, the sum at which it was fixed in the Thurman bill. It was reduced to \$3,600 in one of the appropriation bills. The committee are satisfied that the duties of that officer are so important to the Government, he having charge of the accounts of the various railroads to which the Government has given aid, amounting to over one hundred million dollars in which the Government is interested in these various roads, we feel it is important we should put this man back to the former salary for the reason that he is rather an expert than otherwise. We have also given an increased salary to his engineer. His present engineer gets \$2,000, and we have increased it to \$3,000. For the same reason we have increased the salary of the Auditor of Rail-

roads from \$3,600 to \$5,000. I believe these are the particular points wherein this bill changes the former appropriation bill. We have increased the salary of the chief clerk of the First Assistant of the Post-Office Department, who has been in service for fifty years. He began his public service in the same position which he now holds some fifty years ago under General Jackson, and he has been there ever since through every successive administration no matter what the politics may have been. For that venerable Mr. Marr we have provided that his salary shall be \$2,500 in the future; and these are the only changes. I believe I have stated the material difference between this bill and the present law.

The CHAIRMAN. If no other member desires to address the committee in general discussion the bill will now be read by paragraphs for amendment.

Mr. ATHERTON. If no other member has done so I wish to reserve all points of order.

The CHAIRMAN. That has already been done.

The Clerk read as follows:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1882, for the objects hereinafter expressed, namely:

#### LEGISLATIVE.

##### Senate:

For compensation of Senators, \$380,000.

Mr. DIBRELL. I offer an amendment, Mr. Chairman, to go in there, covering the Senate as well as the House.

The Clerk read as follows:

After the word "dollars," in line 11, insert the following:

"Provided, That no Senator or Representative in Congress shall be paid his monthly salary during any session of Congress until he shall have certified to the Clerk of the Senate or Sergeant-at-Arms of the House that he has not been absent from the sittings of the Senate or House during the time for which he demands pay, except on account of sickness of himself or family; and all absence, otherwise than for sickness, shall be deducted from the monthly pay of said Senator or Representative."

Mr. ATKINS. I believe that is the law now, but I have no objection to the amendment.

Mr. DIBRELL. The law is they shall not have compensation for absence, but this requires the Sergeant-at-Arms or Clerk of the Senate to deduct it from their pay. It will save \$100,000 a year, as every man knows.

Mr. YOUNG, of Tennessee. I suggest by the terms of that amendment if a member were absent under the order of the House he would have to make the same certificate before he could receive his money.

Mr. DIBRELL. He is doing his duty as a member of Congress when absent under the order of the House, and therefore it does not apply to him at all.

Mr. YOUNG, of Tennessee. Will the gentleman amend by saying absent by order of the House?

Mr. KEIFER. Absent on duty, you mean.

Mr. YOUNG, of Tennessee. Of course; absent on duty.

Mr. TOWNSHEND, of Illinois. Not by leave of the House.

Mr. YOUNG, of Tennessee. Absent by order of the House.

Mr. CLYMER. The order of the House is the leave of the House.

Mr. SPRINGER. That ought to be amended by inserting "by leave of the House."

Mr. DIBRELL. I object to that amendment.

Mr. SPRINGER. This is substantially the law as it now exists. If you make it as stringent as it is here it will not be enforced. If you intend to let this operate upon members who are habitually absent, (and I presume that is the intention of it,) it should be worded so as to reach their cases; but the House would still have the right to grant leave of absence to its members. There are members who with the approbation of their constituents could obtain the leave of the House to their temporary absence. That should not be deducted then.

Now, Mr. Speaker, as to the misuse of the term sickness. That has become a great abuse. What is meant by sickness? What is to be understood as covering that term? When we have a call of the House at nights the excuses given for absent members would seem to indicate that three-fourths of our members are under the care of physicians. The term sickness is entirely too loose and indefinite to apply to such a case as this; but to put in the words "by leave of the House" it would apply to all cases of habitual absence, because those members who are habitually absent are not supposed to be absent by leave of the House except in case of sickness. As worded now it seems to me the amendment is too indefinite to reach those persons whom it is contemplated to reach by the amendment.

Mr. DIBRELL. I do not think, Mr. Speaker, that any member of the Senate or House would certify on honor that he was sick when he was simply at home attending to private business. That, of course, would have to be left to the honor of the member himself. It would depend entirely upon his honor in any event.

Mr. YOUNG, of Tennessee. Suppose some member of his family is dangerously ill, and his absence is enforced in that way, would it be right to deduct his pay under those circumstances?

Mr. DIBRELL. Any member can get leave of absence when he wants it. That fact is well known here.

Mr. SPRINGER. I move to amend the original proposition by inserting "except by a leave of the House of which he is a member."



The CHAIRMAN. The resolution will be read as it is proposed to be amended.

The Clerk read as follows:

*Provided, That no Senator or Representative in Congress shall be paid his monthly salary during any session of Congress until he shall have certified to the Secretary of the Senate and Sergeant-at-Arms of the House that he has not been absent from the sittings of the Senate or House during the time for which he demands pay, except on account of sickness of himself or family or by leave of the House of which he is a member; and all absence otherwise than as specified shall be deducted from the monthly pay of said Senator or Representative.*

Mr. DIBRELL. The amendment suggested by my colleague was "by order of the House," because he can get leave of the House, and that would enable him to draw his pay as if he were present attending to his duty.

Mr. ATHERTON. It should be so amended as to specify "by order of the House, and on official business;" and I suggest that amendment.

The CHAIRMAN. There is an amendment already pending.

Mr. KEIFER. I desire, Mr. Chairman, to make an inquiry, whether it is proper to make a point of order against an amendment to a pending amendment to a bill? If so, then I make the point of order that the amendment proposed by the gentleman from Illinois [Mr. SPRINGER] is not in order, because it changes existing law. The amendment offered by the gentleman from Tennessee I do not think is subject to that objection. It does not change existing law, although the other amendment, I submit, does; and I wish the Clerk to read section 40 of the Revised Statutes.

The Clerk read as follows:

The Secretary of the Senate and the Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

Mr. ATKINS. As I suggested to my colleague from Tennessee, that is the law, as it now exists.

Mr. KEIFER. Now, the amendment of the gentleman from Illinois would change this existing law, as it exempts from the operation of that section of the statute all persons who are absent by leave of the House. Therefore I think it changes existing law, and in that view it cannot be said to be in the interest of economy either. I like the original amendment.

Mr. BAKER. I do not like any of these amendments. They will not accomplish anything. If men are sent here by the people to represent them who have not a sufficient sense of moral responsibility to attend to their public duties and look after the public business entrusted to them, you cannot throw any drag-net around them to bring them in. Your proposed legislation is a skimmer that will not hold water.

The only effect will be this: it is the duty under the law of the accounting officers in making up the accounts of members to deduct for all absence. The statute provides that no pay shall be allowed therefor. That is the existing law, and yet it is inoperative; it cannot be done. The accounting officers cannot comply with it. The only way in which they can do it is to require every member before he draws a dollar to give from day to day a certificate, on his honor, on a blank piece of paper that he has not been absent, and that he has been here all the time attending to his duties in accordance with the law. These amendments would have no effect to prevent absenteeism. They would not reach that class of members who are derelict in their duties. I submit, Mr. Chairman, that unless you can require a certificate in every case, or unless you can so provide that the Sergeant-at-Arms may not pay to a member a single dollar until he presents a certificate covering the case, the law amounts to nothing in the way of addition to what we have already upon the statute-books. And if you do put it in that way, if you make it as stringent as you please, it will result simply in this: that the member who happens to be poor, as the most of us probably are on this floor, who cannot certify from day to day, as he would be required to do, and yet who is attending to his public duties faithfully, is deprived of his pay although in fact the man who is habitually absent may escape the results by technical privileges extended by the House.

The CHAIRMAN. The Chair thinks the amendment proposed by the gentleman from Illinois simply creates another exemption which is not now authorized by law, and that therefore to that extent it changes existing law and certainly is not in the line of retrenchment, and is therefore out of order.

Mr. DIBRELL. Mr. Chairman, I do not intend to take up the time of the committee with the discussion of this proposition. It seems to be simple enough. It does not apply to members who are here in the discharge of their duties or temporarily absent for a brief time on attendance at the Departments here in the interest of their constituents.

Mr. BAKER. Let me ask the gentleman a question. How can the Sergeant-at-Arms know whether a man is here or not unless he has the certificate of that man?

Mr. DIBRELL. This provides the member shall certify; and no man who is here and attending to his duties will object to that.

Mr. ROBINSON. I believe it is the business of the members to be present in the House, and the practice of a good many is in accordance with that theory. But suppose it should happen that some

gentleman who is here every single day of the session should have occasion, after the House is called to order, to step down to one of the Departments on some business as much official as his serving here, then he cannot come back and sign his name to a statement he has been here during the sittings of that day. He will withhold, if an honest man, putting his name to such a certificate, thereby forfeiting the amount of the pay for that day's service.

You are attempting to throw a net around the men who will decline to make a false statement, who will be so conscientious about it that they will not certify to their being here unless they are actually in their seats the whole time. And, besides, they will be very careful not to sign something that can be tortured into a misstatement. On the other hand, gentlemen who will be absent from their duty in this House, disregarding the duty they owe to their constituents, will in some way avoid the effect of any such certificate as that, and will draw their pay, much to our chagrin, perhaps.

I submit the law is sufficient now as it stands, and I hope we will not attempt to legislate upon this in an appropriation bill in this hasty way without consideration, cutting we do not know where, hitting ourselves where we should not be hit. There is not a full House now in this Committee of the Whole. I fancy that in the city of Washington at this moment there will be found gentlemen on the streets or at the hotels who have been here this morning. There seem to be a good many vacant chairs. Where will you draw the lines? It seems to me this would lead to absurd consequences and to matters that would annoy gentlemen that are here in good faith from day to day attending to their duties.

Mr. ROBESON. I move to strike out the last word. I agree with what the gentleman from Massachusetts [Mr. ROBINSON] and the gentleman from Indiana [Mr. BAKER] have said. We cannot make good Representatives by legislation. Every man who is here represents his constituents, and is responsible to them for the discharge of his duty. Legislative duty is not confined to sitting always in the close air of this Hall, nor does it consist merely in being always here to vote ay or no upon any or every proposition. It includes the whole range of political reflection, of political investigation, and political action. Representatives often, when time and occasion presses, wish to investigate subjects which cannot be investigated in the immediate presence of this House. They often are required to have intercourse with officials, and to discharge official duties in other places. To themselves and to their own sense of propriety, and to their responsibility to their constituents, must this question be finally left. Do not deceive yourselves, gentlemen. You cannot make good Representatives by direct legislation, nor enforce personal duty by parliamentary resolves. The constituents of the gentleman from Tennessee or those of my venerable friend from Georgia [Mr. STEPHENS] may prefer to have him here for one day in the week than not to have him at all, or to have me or anybody else here every day in the week. To them let this question be referred, and let them act upon it at each recurring election, as is provided by the Constitution of their country.

I withdraw the formal amendment.

Mr. ATHERTON. If in order, I would like to offer an amendment to the amendment, the other having been ruled out of order. I would add after the words "except on account of sickness of himself or family" the words "or on official business."

It seems to me, Mr. Chairman, we ought to do something to prevent the absenteeism which has been the fruitful source of spending a great deal of unnecessary time in attempts to do the business of the House. Men have been absent for the purpose of attempting to procure public office elsewhere. They have been absent in Europe two or three months at a time. Should they be paid for the time they were away on business of that kind, pertaining to their own private interests? Or should they be paid for the time they have spent abroad in seeking pleasure or in seeking something other than what the public interest demanded? If they are in the city attending at the Departments to business of their constituents, in accordance with the language of the amendment I have proposed they can certify upon their honor that they were still attending to the business for which their constituents had sent them. But if they are not absent either by reason of the sickness of themselves or of sickness in their families, or upon the business of their constituents, they are robbing the people of the money they pretend to earn.

We have been here from time to time, staying long periods, attempting to get a quorum, attempting to do the public business for which we are sent here, and our efforts have been neutralized and destroyed because men saw fit to stay away, either for their own pleasure or their private business, or because they saw fit to spend their time about the streets or in the public places of this city when they ought to be here attending to the business of their constituents.

I hope this amendment in some shape or other may prevail, and that we shall either have the benefit of the presence of the representatives of the people, or that the people shall not be compelled to pay for services that are not rendered.

Mr. ATKINS. Let us now have a vote.

The CHAIRMAN. The question is on the adoption of the amendment proposed to the amendment by the gentleman from Ohio, [Mr. ATHERTON.]

Mr. DIBRELL. I will accept that amendment as a portion of mine, if I am permitted.

The CHAIRMAN. That is the gentleman's right. The amendment will be read as now modified.

The Clerk read as follows:

*Provided*, That no Senator or Representative in Congress shall be paid his monthly salary during any session of Congress until he shall have certified to the Secretary of the Senate or Sergeant-at-Arms of the House that he has not been absent from the sittings of the Senate or House during the time for which he demands pay, except on account of sickness of himself or family or on official business; and all absence otherwise than specified shall be deducted from the monthly pay of said Senator or Representative.

Mr. ROBESON. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBESON. If this amendment prevails will it be effective for any more than the present month?

The CHAIRMAN. The Chair does not think that is a parliamentary inquiry.

Mr. ROBESON. I wanted to know whether this is demagoging for a month only, or whether it is demagoging for a whole year.

Mr. ATHERTON. In my opinion, if there had been such a law as this so many members would not have been at home looking for Senatorships.

Mr. ROTHWELL. I desire to offer an amendment.

The CHAIRMAN. The amendment will be read.

The Clerk read the amendment, which was to add the following:

*Provided*, That all members shall be allowed an offset for night sessions and extra sessions of Congress.

Mr. REED. Gentlemen certainly will not object to that amendment.

Mr. DIBRELL. I raise the point of order on that amendment that it changes existing law.

Mr. YOUNG, of Tennessee. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG, of Tennessee. Is it not obnoxious to a point of order to offer an amendment which will facilitate the absence of members?

The CHAIRMAN. The Chair will decide that point when it is raised. The Chair rules that the amendment offered by the gentleman from Missouri [Mr. ROTHWELL] is not in order.

Mr. MCCOOK. Do I understand the Chair to rule the amendment out of order?

The CHAIRMAN. The Chair does, because it changes existing law and does not retrench expenditures.

Mr. MCCOOK. I should like to hear the gentleman from Missouri on that.

The CHAIRMAN. The question is upon the amendment of the gentleman from Tennessee [Mr. DIBRELL] as modified.

The amendment was not agreed to, upon a division, ayes 20, noes not counted.

The Clerk read the following, under the heading "House of Representatives":

For one electrician, \$1,150; and one laborer, \$800.

Mr. STONE. I move to amend by inserting after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

And all engineers and others who are engaged in the heating and ventilating the House shall be subject to the orders and in all respects under the direction of the Architect of the Capitol.

Mr. ATKINS. That is already the law. It was enacted in the last legislative appropriation bill.

Mr. STONE. It is not in this bill.

Mr. ATKINS. It has been left out of this bill, but it is the law.

Mr. STONE. I understand that every provision of the last appropriation bill does not remain permanently the law.

Mr. ATKINS. Very well; let it go in, then.

Mr. STONE. It has been suggested by the Architect of the Capitol that there might be some question about the matter if the provision was not contained in this bill. It is desirable that this branch of the service should be under his directions.

Mr. ATKINS. No matter; let it go in.

The CHAIRMAN. If it does not change existing law, it is not subject to a point of order.

Mr. CANNON, of Illinois. I want to move an amendment to the amendment.

Mr. BAKER. I ask the Clerk to read the text of the last appropriation bill upon this point, in order that the committee may determine whether or not it is a continuing law.

The CHAIRMAN. Will the gentleman send it up to the Clerk's desk?

Mr. BAKER. I have it here; my impression is that it is not a continuing law.

Mr. STONE. That is my judgment about it, and that is the reason I have moved this amendment.

The CHAIRMAN. The Clerk will read the provision of the last appropriation bill upon this subject.

The Clerk read as follows:

And the electrician, together with everything pertaining to the electrical machinery and apparatus, and all laborers and others connected with the lighting, heating, and ventilating the House, shall be subject exclusively to the orders and in all respects under the direction of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with

his approval. And all engineers and others who are engaged in heating and ventilating the House shall be subject to the orders, and in all respects under the direction, of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval.

Mr. ATKINS. I think it is mere surplusage in this bill.

Mr. CANNON, of Illinois. I ask the gentleman from Michigan [Mr. STONE] to insert the word "hereafter," so that it may become permanently the law.

Mr. CLYMER. I suggest to the gentleman to take the clause of the last appropriation bill.

Mr. STONE. I will do so.

Mr. ATKINS. It has been decided by the courts that an appropriation bill is a law. At the end of every appropriation bill is the provision "that all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed."

Mr. STONE. I understand there have been different decisions. I will adopt the suggestion of the gentleman from Pennsylvania [Mr. CLYMER] and move as an amendment the provision of the last legislative appropriation bill on this subject, with the insertion of the word "hereafter" after the first word "and," so that it may be a continuing law.

The CHAIRMAN. The Clerk will report the amendment as now offered.

The Clerk read as follows:

And hereafter the electrician, together with everything pertaining to the electrical machinery and apparatus, and all laborers and others connected with the lighting, heating, and ventilating the House, shall be subject exclusively to the orders and in all respects under the direction of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval. And all engineers and others who are engaged in heating and ventilating the House shall be subject to the orders, and in all respects under the direction, of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following:

For Botanic Garden: For pay of superintendent, \$1,600; for assistants in Botanic Garden and greenhouses, and laborers, under the direction of the Library Committee of Congress, \$9,900; in all, \$11,500.

For improving the garden, procuring manure, tools, fuel, and repairs, and purchasing trees and shrubs, under the direction of the Library Committee of Congress \$5,000.

Mr. MILLS. I desire to offer an amendment which I am satisfied will not be objected to by the Committee on Appropriations, to insert after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

And all such shrubs and plants as shall be propagated at all the greenhouses and nurseries of the Government in excess of what may be required each year for the public grounds shall be distributed in the congressional districts of the United States.

Mr. MILLS. Under a former law the superintendent at one of the gardens held that he was prohibited from distributing to citizens of the United States the excess of plants and shrubs propagated by him. He has informed me that in the propagation of those plants and shrubs for the adornment of the public grounds in this city he necessarily raises more than there is any use for in those grounds. My amendment provides only that as regards the excess of such shrubs and plants as may not be wanted here he may be permitted, on application of members of Congress when their constituents write for them, to send them out through the country. I think the Committee on Appropriations will have no objection to this amendment.

Mr. ATKINS. Is it broad enough to include both public gardens?

Mr. MILLS. It says "all the greenhouses and nurseries of the Government."

Mr. HAWLEY. I should like a little more information as to the bearing of this amendment. The gentleman from Texas has probably considered its effect; but I would prefer to provide that these gardens shall cultivate only what is necessary for the public grounds, unless in certain special cases where there may be some new development that will be of general use to the country; and that would most properly come under the direction of the Agricultural Department, which devotes itself largely to such subjects. I am a little jealous of starting out upon a new line of expenditure. The shrubs and plants cultivated in the Botanic Garden and other Government gardens are, to a large extent, different in no sense from those raised in private nurseries and gardens. People can buy them in their own localities. But if you begin the distribution of such plants and shrubs to the public, the demand upon each member will gradually increase, and he will be expected to send out, in addition to public documents, enough of these flowers and plants to supply the private garden of every man in his district with all sorts of pleasant and pretty shrubs and flowers.

If the Government is to go to any expense in the cultivation of plants, &c., not needed for the public grounds, it should be only in the direction of developing new and useful plants for agricultural and other purposes. Apart from that, the Botanic Garden and similar gardens belonging to the Government should be devoted to raising only what may be necessary for the public grounds. I am not willing to begin a new course of distribution not specially in the interest of science.

Mr. MILLS. I think the gentleman from Connecticut [Mr. HAWLEY] misunderstands the object of this amendment.

Mr. HAWLEY. Quite likely.



Mr. MILLS. The Superintendent of Public Buildings and Grounds, who is a salaried officer, has placed under his control a certain number of laborers, and he is required to propagate a certain amount of flowers and plants for the adornment of the public grounds. In order to insure the necessary quantity—say five hundred roses—he must plant probably enough to raise under favorable circumstances 1,500. He must make allowance for the possibility of heavy losses. In a fortunate year the whole 1,500 may live; in an unfortunate year two-thirds may die. Now this amendment does not involve the extra expense of a single cent. It simply provides that when, for instance, there is an excess of roses raised, they shall not be thrown away, but if there are, say, five hundred extra roses they shall be distributed through members of Congress to the people. It is only the excess beyond the demands of the public grounds that will be used in this way.

Mr. HAWLEY. My impression is that if an amendment of this kind should be adopted, it might become the rule hereafter to raise a large excess of these plants and flowers in the Government establishments to gratify the demands of our constituents.

Mr. MILLS. The only question is whether, when there is an excess raised in these gardens, it shall be thrown away or distributed among the people.

Mr. MCGOWAN. In reference to this matter I desire to say that in pursuance of a resolution of the House the Committee on Agriculture has, through a sub-committee, made investigations concerning this subject, and will be able very soon to report upon the whole question of botanical and other gardens now belonging to the Government. At the suggestion of the Superintendent of Public Buildings and Grounds, who has charge of what is known as the monumental garden, the committee are likely to recommend that the whole matter of the distribution of plants and flowers be taken away from him; that he be entirely relieved of the annoyance and trouble of the matter, and that all the gardens be concentrated under one superintendent. I trust no amendment with reference to this subject will be adopted until that report can be heard by the House.

Mr. ATKINS. I supposed the investigation referred to had reference simply to the Agricultural Department.

Mr. MCGOWAN. Not at all; but to all the gardens under the care of the Government—the Botanic Garden, the Agricultural Garden, and the gardens of our public buildings and grounds.

Mr. ATKINS. It is my impression that the Botanic Garden is not under the management of the Agricultural Department. I believe there is one garden under the direction of the Committee on the Library and one under the direction of the War Department.

Mr. MCGOWAN. The gentleman will allow me to state that under the resolution of the House the Committee on Agriculture was charged with the investigation of the whole subject pertaining to all these gardens.

Mr. ATKINS. I was not aware of that.

Mr. MCGOWAN. That is the fact. The investigation is nearly completed; and the committee will very soon be ready to report.

Mr. ATKINS. When did that resolution pass?

Mr. MCGOWAN. At the last session of Congress.

Mr. ATKINS. I have no objection at all; but I was about to say in regard to the amendment of the gentleman from Texas that its object, as I understand, is not to increase the production of these shrubs, plants, flowers, &c., but simply to distribute the excess among the citizens of the United States after the distribution has been made for the usual purposes here in Washington. For my own part, I desire to say that if I had the power I would cut up this whole system, root and branch.

Mr. HAWLEY. The gentleman hardly seems to have comprehended me. I feared that the necessary, the direct, the natural result of this amendment might be a demand for an excess every year; so that those in charge of the botanic and other gardens would calculate that they must provide an excess above the needs of the public grounds in Washington, because members would be crying out for these plants and flowers for distribution to their constituents.

Mr. MILLS's amendment was rejected.

Mr. FORT. I ask the chairman of the committee having this bill in charge to permit me to go back. In a moment I will explain why I make the request.

Mr. ATKINS. Very well, I will withhold my objection until the gentleman has made his statement.

Mr. FORT. I was called out of the House, and not present when the part of the bill to which I wish to move an amendment was passed. I have here a resolution reported from the Committee on Accounts of this House in which they recommend the payment of one month's pay to Charles Demar, a former employé of this House, and a disabled soldier.

Mr. ATKINS. It will be proper to amend the deficiency bill in that particular as it is in the nature of a deficiency, but you cannot put it in this bill for it would be out of order.

Mr. FORT. I think the proper place would be in this bill.

Mr. CLYMER. You would not get it paid until next year.

Mr. ATKINS. Is it for services already rendered?

Mr. FORT. Yes, sir.

Mr. ATKINS. Then it is not germane to this bill.

Mr. BAKER. It belongs to the deficiency bill.

Mr. ATKINS. And when that bill comes up the gentleman can offer it.

The Clerk read as follows:

For compensation to the following in the office of the President of the United States: Private secretary, \$3,250; assistant secretary, \$2,250; two executive clerks, at \$2,000 each; stenographer, \$1,800; one clerk class 4; one clerk class 2; one telegraph operator, \$1,400; one clerk class 1; steward, at \$1,800; one day-usher at \$1,400; one day-usher at \$1,200; five messengers, at \$1,200 each; two doorkeepers, at \$1,200 each; one night-usher, \$1,200; one watchman, \$900; and one fireman, \$864; in all, \$32,864.

Mr. ATKINS. I offer the following amendment:

After line 380 insert:

"For the construction of an elevator in the Executive Mansion, \$500, to be immediately available."

I offer that amendment, Mr. Speaker, by direction of the Committee on Appropriations.

Mr. HAWLEY. That amount will not build an elevator.

Mr. MILLS. I make the point of order on the amendment.

Mr. ATKINS. I am aware that it is subject to the point of order, but it has been urged on the part of a good many gentlemen, and I will not say the solicitation has been confined to the republicans. It has been urged by democrats as well as republicans that this elevator should be put in the Executive Mansion. It will be for the convenience of the inmates and I do not expect the republicans always to occupy that place. I am hopeful in four years from now we will have a good chance for it.

The CHAIRMAN. If the point of order is insisted upon the amendment must be ruled out.

Mr. HUMPHREY. If they have no better success than they have had for twenty years it will be a long time before my friends get into the White House. [Laughter.]

The CHAIRMAN. If the point of order is insisted upon the amendment must be ruled out.

Mr. ATKINS. I withdraw it if the point of order is insisted upon.

The Clerk read as follows:

Second Comptroller of the Treasury:

For Second Comptroller of the Treasury, \$5,000; deputy comptroller, \$2,700; five chiefs of division at \$2,100 each; eight clerks of class 4; twelve clerks of class 3; thirteen clerks of class 2; twelve clerks of class 1; three clerks at \$1,000 each; nine clerks at \$900 each; one messenger and three laborers, in all, \$98,320.

Mr. CARPENTER. I move to amend, in line 496 to strike out "five" and insert "six," so it will read "six chiefs of division;" and in line 497 to strike out "eight" and insert "seven," so it will read "seven clerks of class 4."

Mr. ATKINS. I make the point of order on that amendment.

Mr. CARPENTER. It is subject to the point of order.

Mr. ATKINS. Yes, and I make it.

Mr. CARPENTER. It seems to me if the facts in this case were understood the committee would agree to this amendment.

Mr. ATKINS. I hope it will not be adopted.

The CHAIRMAN. The Chair will confine the gentleman to the point of order; but he is making an appeal to the gentleman from Tennessee to withdraw the point of order.

Mr. ATKINS. There is so little time I cannot give way. I submit the point of order, and the Chair must decide it.

The CHAIRMAN. The Chair of course is bound to sustain the point of order and rule the amendment out.

The Clerk read as follows:

For ice, buckets, file-holders, book-rests, labor, clocks and repairs of the same, and for care of grounds, \$17,500; \$10,000 of this sum to be expended for metallic shelving and file-holders in the Second Auditor's Office.

Mr. ATKINS. I move to strike out the word "metallic." It is unnecessary and will entail more cost than is desired.

The amendment was agreed to.

Mr. ATKINS. I neglected to state, Mr. Chairman, in my opening remarks upon this bill that we have provided an increase of salary for the assistant treasurer at Boston of \$500. I deem it due to the House that I should now make that statement. That is an additional officer whose salary we have increased. It is liable to the point of order if any one makes it; but I do not think the point of order should be made as I am satisfied and the committee are satisfied that officer is not now sufficiently paid for the responsible duties imposed upon him.

Mr. HAWLEY. Does not the statute provide \$5,000?

Mr. ATKINS. It did, but it has been repealed.

The Clerk read as follows:

Office of the Director:

Salaries: For Director, \$4,500; examiner, \$2,300; computer, \$2,200; assayer, \$2,300; adjuster of accounts, \$2,000; one clerk of class 3; one clerk of class 2; two clerks of class 1; one translator, \$1,200; one messenger; one copyist, \$900; one laborer; making, in all, the sum of \$32,120.

Mr. PAGE. I move in line 924, after the word "dollars," to insert "for an experienced and practical assayer, \$2,200."

Mr. ATKINS. I have no objection to that.

Mr. BAKER. I suggest the phraseology should be to insert after the word "dollars" the words "who shall be a practical and experienced assayer."

Mr. PAGE. I accept that as a modification of my amendment.

The amendment, as modified, was adopted.

Mr. ATKINS. The hour has nearly arrived when the New Hampshire delegation desire to have the obsequies of their deceased colleague, and therefore I move, in order that may be accomplished, 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 House on the state of the Union had, according to order, had under consideration a bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, and had come to no resolution thereon.

#### DEATH OF HON. EVARTS W. FARR.

Mr. BRIGGS. Mr. Speaker, I desire to submit the following resolutions.

The SPEAKER. The resolutions will be read.

The Clerk read as follows:

*Resolved*, That this House has heard with profound sorrow the announcement of the death of Hon. EVARTS W. FARR, late a Representative from the State of New Hampshire.

*Resolved*, That in token of regard for the memory of the lamented deceased the members of this House do wear the usual badge of mourning for thirty days.

*Resolved*, That the Clerk of this House do communicate these resolutions to the Senate of the United States.

*Resolved*, That as a further mark of respect to the memory of the deceased this House now adjourn.

Mr. BRIGGS. Mr. Speaker, I rise to perform the melancholy duty of announcing to this House the death of my colleague, EVARTS W. FARR, which occurred at his home in Littleton on the 30th of November last. It was my sad privilege to be with him when he passed away. He died as he had lived, with the heroism of a noble manhood born of hope and faith.

It is no vain tribute of respect New Hampshire would fain pay to her noble and gallant son. As a member of this House, I submit he was universally respected both by political friends and foes. But it is not merely an excellent Representative at the National Capitol that New Hampshire mourns in the death of Major FARR. Among those who pressed eagerly to the front when an imperiled nation called her sons to her rescue, this man was the pride of our State, and under the flag with which we draped that hearse at Littleton he earned the imperishable gratitude of our people.

EVARTS W. FARR was born at Littleton on the 10th of October, 1840. He belonged to one of the best families of our State. His father, an honored member of the legal profession, survives him. Mr. FARR was one of eight children, and his early advantages were those of the typical New England country lad. He pursued his academic course at Thetford, Vermont, where he was graduated with honors, and went thence to college. Frank, earnest, and intelligent, the character of the boy gave true promise of the man. What might have been his fortune had he been permitted quietly to pursue his studies, we cannot tell. Destiny had assigned him a part in a stupendous drama, which was to startle Christendom. In that drama he performed his part gloriously and well; and like many other young Americans of that eventful period, he leaped to distinction before he had reached the age of manhood.

At the breaking out of the war young FARR was a member of Dartmouth College. With characteristic decision, he turned his back upon college and his face to the field. He was the first man to enter the service from the town of Littleton, from which he enlisted in the First New Hampshire Volunteers. He served continuously from April 20, 1861, to June 4, 1865.

Soon after he entered the service he joined the New Hampshire Second; was appointed a lieutenant June 4, 1861; he was promoted to the rank of captain January 1, 1862, and while in command of company G lost his right arm at the battle of Williamsburgh, Virginia, May 5, 1862. His regiment, one of the most gallant and distinguished in the service, was then one of the four constituting General Hooker's original brigade.

As soon as his wound permitted he returned to the field, and September 9, 1862, was promoted to rank of major in the New Hampshire Eleventh. After fighting with distinguished gallantry at Fredericksburgh, Major FARR went with his regiment to the West, and participated in the siege and capture of Vicksburgh. After the capture he went south with General Sherman to attack General Johnston at Jackson, Mississippi, and during the remainder of the war served on court-martial duty, most of the time as judge-advocate.

Unquestionably his employment on court-martial duty during all the latter part of the war alone prevented his high promotion in the line. As it was, his career as a soldier was an exceptionally brilliant and successful one. In many of the severest engagements of the war he won golden laurels. In the action at Fredericksburgh it was my fortune to be near him, and no veteran of a hundred battles could have shown a statelier, loftier heroism. There was a touch of chivalry in his nature, and he was then of the age when this spirit is at high tide. His patriotism was not lost in the effervescent spirit of the cavalier; he had devotion as well as courage. Nor was his courage of that lower order, derived from excitement. It had nothing to do with rashness nor frenzy. He was cool, patient, and determined. It was the courage of Ney rather than that of Murat. In the fiercest and most disheartening fight he was never known to lose his self-command. This, with his quick decision and soldierly intuition, combined to make him a man of wonderful resources. In action or in any grave and responsible situation he never was "at his wit's end."

Another trait of a great soldier was his fortitude, his power of endurance. "No pain," writes an officer who was long and most intimate with him, "no pain that he suffered could bring a moan, no toil

he encountered could dismay him, the longest and hardest march we ever made could not bring a word of complaint from his lips."

In the fight between Hooker's and Longstreet's divisions at Williamsburgh FARR's coolness and endurance came out in full flower. The fight was close, hot, and prolonged to the verge of human endurance. It rained hard, and the sufferings of the men were terrible. FARR seemed imbued with the spirit of a multitude. He demeaned himself through that weary, bloody day in a manner never to be forgotten by those to whom it was known. His valor was equaled only by his equanimity. Only breaking ranks, only the signs of yielding, could provoke his impatience. Just at the close of that terrible day he received the shot which made his empty sleeve, thenceforth his badge of honor.

What a tell-tale thing is an empty sleeve.

It tells in a silent tone to all,  
Of a country's need, and a country's call,  
Of a kiss and a tear for child and wife,  
And a hurried march for a nation's life:  
It tells of a battle-field of gore,  
Of the saber's clash, of the cannon's roar,  
Of the deadly charge, of the bugle's note,  
Of a gurgling sound in a freeman's throat,  
Of the whizzing grape, of the fiery shell,  
Of a scene which mimics the scenes of hell;  
Though it points to a myriad wounds and scars,  
Yet it tells that a flag of stripes and stars,  
In God's own chosen time will take  
Each place of the rag with the rattle-snake;  
And it points to a time when that flag will wave  
O'er a land where there breathes no cowering slave.  
Till this very hour, who could ere believe  
What a tell-tale thing is an empty sleeve—  
What a weird, queer thing, is an empty sleeve!

His tastes were essentially military, and he brought to his duties in the field that energy and fixedness of purpose which characterized the man in all he undertook. He mastered the science of the camp and field in an incredibly short time, and, young as he was, became a recognized authority therein. He was a strict disciplinarian, thorough and exact in all his duties, and requiring the same of others. But he was full of considerate kindness to his men, to whom he endeared himself as the friend of all.

Prompt, brave, and responsible, he was ever at the post of duty; and in those evil days there marched not under the flag a hero of more dauntless courage, a devotee of more unflinching faith than EVARTS W. FARR.

At the close of the war he embraced the profession of the law and at once became one of the most promising members of the New Hampshire bar. An ardent and stirring republican, he also came early to the front in the politics of our State. He held, successively, the positions of assistant assessor and assessor of his internal revenue district, solicitor of Grafton County, and a member of the governor's council. To the latter position he was handsomely elected in a district which had always been strongly democratic; and in this, as later, in his two congressional canvasses, his popularity was abundantly demonstrated. He did credit to every place he held, and his election to the Forty-sixth, and his re-election to the Forty-seventh Congress, were only in the natural course of his ascendant fortune. Of his career in this House, so sadly and so early closed, I will not speak. That I leave to others. His record is familiar to you all. Is it not one of promise?

His memory long will live, alone  
In all our hearts, as mournful light  
That broods above the fallen sun,  
And dwells in heaven half the night.

Of the character of the deceased I propose to offer few words other than those I have already spoken. His was an open, generous, sanguine, earnest nature—such an one as "he who runs may read." Were I fully to express my own admiration for the man, I should be suspected of intemperate speech. My acquaintance with him began in the Army, where we were comrades together, and from that time our friendship was fast. He was instinct with generous and kindly impulses which endeared him to his friends and bound them to him in bonds of the strongest affection. Naturally in such a character there was that which inspired his foes with respect, and however he might dislike, no man could despise EVARTS W. FARR.

Like all of us, the man had his faults; yet he had no prominent defects, and I never knew a man whose faults counted for less as against the general strength and purity of his character. I have had much to say of his earnestness, for this I conceive was the leading factor of his strength. He was ready to take up any duty that lay before him, and to attack it with firm and sincere purpose. He followed a purpose with his whole soul and did nothing by halves. This element of his character, together with his versatility, implied large possibilities. He was a young man, and with length of days must have accomplished that of which all that he had done was but a hint. On the whole, his character was solid, well-rounded, and symmetrical; without grotesque or brilliant eccentricities, he was a very positive force.

The immediate cause of his death was a sudden and virulent attack of typhoid pneumonia. Overwork had induced extreme debility, and his system had little power of resistance. His general health had been blighted in the Army, and his empty sleeve was not the only sad remembrance, not the only legacy of woe that he brought



back from southern fields. A post mortem examination disclosed the presence of chronic disease, which at best must ere long have proved fatal.

In his domestic relations he commanded the strongest affection. We will not lift the veil from that circle of crushed hearts. There is that which should be respected. There is a supreme sorrow, as one day—

There was dole in Astolat.

Major FARR was a great favorite in our State, and his name will be set among those whom New Hampshire delighted to honor. He was a most gallant soldier, a promising young statesman, and a noble, sincere man. We bespeak your respect for his memory as something we shall proudly and gratefully cherish.

Mr. BLAND. Mr. Speaker, death has again visited these gilded walls and removed from our Chamber one of our most worthy and useful members. It is not my purpose to give a history of the deceased, but I shall confine myself to a few outlines that marked his life. Major EVARTS W. FARR was born at Littleton, New Hampshire, October 10, 1840. We learn that at the early age of twelve he struck out for himself, and by industry and hard toil procured the means for his livelihood and education. He graduated at Thetford (Vermont) Academy, and entered Dartmouth College with the class of 1863. But that patriotic ardor and devotion to his country and to duty that always characterized him caused him to leave college and volunteer as a soldier in the Union Army. He enlisted in 1861. For his bravery he was promoted through various grades to the rank of major. While with Fighting Joe Hooker's brigade he lost his right arm in the battle of Williamsburgh, in May, 1862. Notwithstanding the loss of his arm by amputation he continued in the Army, and served with a major's commission, participating in the battles of Vicksburgh, Jackson, Mississippi, and various other engagements, until he was appointed judge-advocate, the duties of which office he performed with marked distinction. After the war was over he commenced the practice of law at his home in New Hampshire. As a soldier Major FARR was courageous, true to his country, never faltering where duty called. To his soldiers he was kind and considerate, though exacting in the performance of every command.

Mr. Speaker, it was not my fortune to know Major FARR personally till I met him in the Committee on Pensions. I shall never forget the first time I met him in committee-room. The chairman called over the names of the committee for reports. None were ready except Major FARR. When his name was called he brought forward a large list of bills with accompanying papers and his reports. He began sorting out his reports dexterously with one hand. I then for the first time noticed he had lost his right arm; but it seemed to me that this was no embarrassment to him, for he selected his reports from other papers with as much apparent ease and facility as though he was using both hands. He read his reports to the committee, and they were all adopted unanimously.

I was struck with his familiarity with the pension laws, the rulings of the Pension Department, and the concise manner in which he stated the laws and the facts bearing on each case. I never knew one of his reports to be rejected or anywise amended by the committee. His judgment was clear and logical. He was always careful of the interests of the public; but, while at all times diligent in protecting the Government, he never permitted technical questions of law to weigh against what seemed to him to be an equitable and meritorious case. His justice was always "tempered with mercy." At times it was difficult to secure a quorum for business; several members of the committee were not regular in attendance. Not so with Major FARR; he was always prompt in attendance, and never behind with his reports.

From my acquaintance with him I was led to highly respect him as a man of sterling integrity, of ripe judgment, and great industry. I think I may truly say his abilities were far beyond the average. He was serving his first term in Congress, and his modesty, the insignia of true merit, forbade him entering the arena of every-day debate and wrangle, a means by which too many endeavor to thrust themselves in the RECORD and before the public at the expense of orderly and intelligent legislation. But he never faltered in the discharge of his duty when he saw it necessary to attack a bad measure or sustain a good one. Major FARR was a close attendant upon the sessions of the House. He was seldom out of his seat. He was watchful of all the proceedings of legislation. He seemed to comprehend instinctively all that was proposed for action, and his judgment as to the right or wrong of a measure was seldom at fault. I differed with him politically, but I am sure he acted with his party from as sincere convictions as I did with mine. There was no member of the Forty-sixth Congress whom I respected more highly than him. If I were called upon to give my measure of the man, I should say that clear judgment, a high sense of honor, an inflexible will, were his peculiar characteristics. He was also a man of generous and noble impulses.

Mr. Speaker, this occasion brings to us the solemn thought of death, of the uncertainties of all human aims, and the end of our ambition. Man like a shadow gropes for a while in the gloom of earth and vanishes. The dark cloud glitters for a moment in the lightning's glare; the thunderbolt signals the approaching storm. The cloud drenches the earth with torrents that rush headlong down to the eternal sea. The thunder's roar dies away in soft echoes along the distant hills. The cloud melts away beneath the effulgence of the noonday's sun.

Thus the whirl of life is spent and passes into eternity. Man may dominate the earth, but it was given to One alone to conquer death.

We stand here to-day and the words that fall from our lips are licked up with the tongue of electric fire and whispered in the ears of all nations.

We span continents with iron girders and bridge them with the commerce of the world. We measure the depths of the sea, the breadth of rivers, and the distances and magnitude of the heavenly bodies. We predict with mathematical precision the course and velocity of planets, the visit, exit, and return of comets. Yet, sir, with all this power over earth and its surroundings we cannot tell the day nor hour of our existence, for death "cometh as a thief in the night."

Leaves have their time to fall,

And flowers to wither at the North wind's breath,

And stars to set; but all,

Thou hast all seasons for thine own, O Death!

Happy for us we cannot foretell his coming. Our adjournment at the last session would have been sorrowful indeed had we known that on our reassembling one seat here would have thus been made vacant. Our grief was wisely spared us to this last moment. Yet, when we see a man thus cut down in the prime of life, when the dreams of his early ambition were being realized, we are tempted to complain at what would seem to be a harsh visitation of Providence. But, Mr. Speaker, death waits for no one. The justice and wisdom of an all-wise God are far beyond human ken. To His will we meekly bow; to His commiserations and tender mercies we commend the stricken widow and children of our friend.

EVARTS W. FARR is no more. His mortal remains rest beneath the snow-mantled sod of his native State.

There shall the yew her sable branches spread,  
And mournful cypress rear her fringed head;  
From thence shall thyme and myrtle send perfume,  
And laurel evergreen o'er shade the tomb.

How unspeakably sad it would be to close our tribute to our friend here. Can we have the heart to consign him to the cold clay of mother earth, and there leave him as food for the worms. Oh, no! no! The blessed hope of immortality forbids it.

Let earth dissolve, yon ponderous orb descend  
And grind us into dust; the soul is safe;  
The man emerges, mounts above the wreck  
As towering flame from nature's funeral pyre.

Mr. BOWMAN. Mr. Speaker, it is fitting that we should turn aside for a time from the business of the session, from our political contests and wrangles, from the heated discussion of disputed questions, from all the turmoil and noise and labors of congressional life, and offer up our tribute of respect to the memory of our deceased friend and brother member, and place upon perpetual record our recognition and appreciation of his character and services. It is the last thing we can do for him. For him all the petty ambitions of life, the struggle for honorable distinction, the cares, and troubles, and disappointments which beset the life of every man who devotes it to services in high position for his country, the carping and unjust criticisms of opponents, the life of work and worry, all these, which are a part of the lot of every public man lifted up into a position where he can become the target of press or person, are over for our dead friend, and can trouble him no more in that better life of never-ending rest and peace to which he has gone.

After life's fitful fever he sleeps well.

He passed away from an honorable and eventful life, and, although comparatively young in years, no one can feel that that life was not rounded out into full completeness, or mourn on his account that it has ended, although our sympathies go out to those near and dear to him, who lament his loss. All those who knew him, both in private and in his public career, realize that his State, his constituency, and his friends will miss his presence and the useful and honorable place which he occupied in the councils of the nation.

His duty in life, his obligation to his country and his people, had been honorably and nobly performed, and it is perhaps a fortunate and happy fate for a man to pass away from this world in the height of his powers, in honorable position gained by faithful service for his fellow-men and by their appreciation of his worth, deeply regretted and lamented by them, rather than in the "sere and yellow leaf" of old age, with faculties impaired, and powers of usefulness gone, so that as one sinks beneath the waters of life, he leaves scarcely a ripple behind.

Judged by what he was and what he had done no one can call the life of our friend a short one; nay, more, upon the calendar of events and marked by them alone his was a life longer by far than many a one of four-score years and ten. His life has been described by his colleague, who has preceded me; it is not for me to refer to it in detail, or to the examples of heroism and devotion to country, which it displays.

From among the quiet and beautiful hills of the Granite State he went forth to battle for his country, and there has come to us from his comrades the touching story of his heroism, manliness, and devotion to the cause, for which he was ready to sacrifice his life, and for which he probably has sacrificed his life, as much as if he had in reality given it up from musket-ball or bayonet-thrust on the field of battle. We know how early in the war he lost his arm, which was taken off at the shoulder, and how when for most men this would



have been considered, and rightly considered, as an excuse from further service, and to have entitled them without further work and dangers to the honors and gratitude of their countrymen, he again left his home among the White Hills and went to the far southern country to once more endure the hardships, trials, and dangers of military life. He had well earned the reward of rest from military labors and of escape from its dangers—earned it at sad cost, but he refused to accept that reward, counting life or loss of limb, suffering, and privation and danger as nothing, if he could serve his country.

From all that I have seen and known of him; from what I have known of his life here and have heard of it as it was spent at his home among the New Hampshire mountains both before and after his military experience, I cannot but regard him as one of those martyrs of the war who has really given up his life for his country. The strong, vigorous, and rugged New Hampshire boy, reared in the bracing mountain air, where the very breezes are laden with strength and vitality, leading the healthy and hearty outdoor life of the country, came back from the wars weakened and with his vitality sapped by enervating climate or deadly miasmas or the vital waste caused by hardship, privation, and toil.

Many a soldier gave up his life on the field of battle by stroke of sword, or met an immediate and therefore merciful and happy death by rifle-bullet or cannon-ball, and we honor them, and never can honor them too much, as men who died for their country; and we place above their graves the old but never worn-out legend that "It is sweet and beautiful to die for one's country," and shall hold them in grateful remembrance through all the ages.

There was many and many a soldier who left behind him on southern battle-fields or in southern swamps when he came marching home after the war under triumphant flags the better part of his life, a vitality and strength so weakened and sapped that no cool northern breezes and no fond attentions of home could restore them, and who brought back with him the seeds of disease and weakness, so that nevermore could he know the delights of health and the mere pleasure of living, but always his life must be, if not a burden to him, yet something to be careful of, to be watched and guarded, and thus keeping him back from all that he would be or do. Many a life has thus dragged itself along through weary years since the war and has prematurely ended, when, so far as human minds can foresee, it might have had before it many years of active and happy usefulness. These men were as truly the martyrs of the war as those who had the perhaps happier fate of meeting a short and sharp shrift on the field of battle. For the one was the excitement, the honor, the glory, the swift passing away of life without suffering and without knowledge; for the other, the long and weary years, the patient endurance, the uncomplaining words, the cheerful acquiescence in a life whose high capabilities he could not improve, and that feeling of limitation of powers and of his chance to make the most of his life which want of strength and endurance always brings, and then an early and premature death, when perhaps the promise of future usefulness and advancement, the hopes of being most useful to himself and family and friends and country, are at the brightest.

I do not mean to say that the life of our friend was thus hampered and bound in by the strong bonds of bodily weakness so that he could not make the most of it, and did not achieve high and honorable distinction which any man might well be proud of, but I believe that the causes of his death lie in his services in the war, and that, so far as men can judge of what cannot be seen or known, many years of honor and of usefulness would now be before him if it had not been for what he sacrificed and did for his country. His record as a soldier, a statesman, and a citizen is a most honorable one.

My acquaintance with him commenced with the present Congress, to which we both came as new members, and, living near each other here, our acquaintance ripened into intimacy and friendship. I am sure that no one came into close contact with him or to really know him who did not feel for him respect and affection. Quiet and unobtrusive in his manners, not given to self-assertion or to show, not thrusting himself forward before the people, but content to remain quietly in the background unless he was needed and could do good at the front, the unthinking and careless world, judging only by the exterior and not caring to penetrate below the outer surface, might underrate him and not give to him credit for the qualities which he possessed; but behind his quiet manners there was a brave heart, an honest mind and purpose, deep and settled convictions of right, which no plausible arguments or specious reasons could disturb. I think one of the distinguishing traits of his character was his hatred of shams and false pretensions, whether in public or private life, in humble or in official station; his desire to go to the root of a matter, and to find out the right and the true thing; his dislike of the thin veneers and disguises plastered over political or personal iniquities, wrongs, or injustice; his wish to call things by their right names and to have the world call them by their right names and recognize them as they were; in a word, his desire for the truth, however disagreeable, unpleasant, or humiliating.

He was honest in conviction and word and action. The same desire to uphold the right which led him from his northern hills, and to give up all the comforts of home and to make sacrifices of health and limb, followed him into his public service here; and in these halls he always sought by word and vote to do what he thought to be the right thing, and the honest, true, and therefore the best thing for the people and the country. The best policy is almost always no policy; but

doing just the right thing and letting policies and the future take care of themselves, sooner or later the right triumphs, and we find that the unselfish policy of doing what is right without regard to consequences turns out to be the wisest as well as best policy.

Our friend was a man of strong convictions, earnest purposes, and of excellent judgment, forming his opinions with care, and skilled in giving utterance to them when the occasion required. Honest and incorruptible, earnest and industrious, interested in all the great questions of the day, faithful in attending to his duties here and elsewhere; a good man, a good soldier, a good statesman, pure in private life and in public life, such is his record, and such is the description and the memorial of him which we can place upon our records. Happy is he who is thus laid to rest with his life's warfare accomplished, and with the feeling in the hereafter that he has fought the good fight and has passed away loved, honored, and respected.

We followed him to his last resting-place amid the snows of the beautiful valley which had always been his home. It seemed as if the whole population had gathered together to honor him in his death even as they had honored him in his life; to offer up the last tribute of respect which they could ever pay to him; to perform for him the last sad services which they could ever render. The affectionate words of remembrance, the tearful eyes, the faltering accents, the sad faces, all showed that our friend had as deep and warm a place in the hearts and affections of the people to whom he belonged as in their honor and respect.

They gathered in great throngs to accompany in its last journey all that was left here below of our friend; to listen in the village church to the words of consolation and of praise of him who had gone out from among them never to return, and to find a sad solace in the recital and remembrance of his virtues and of his life among them from his boyhood to his death. And so almost under the shadow of Mount Washington and the Franconia range we laid him to rest amid the scenes which he loved so well, where the grand and majestic mountains, whitened to their summits with the snows of winter, look down upon his grave, and where in summer the everlasting hills whose granite summits pierce the sky keep watch and ward over the beautiful green valley where he has found his last resting-place.

Mr. UPDEGRAFF, of Ohio. Mr. Speaker, to me it is a mournful pleasure to add my heart-deep tribute of veneration and love to what has already been so fittingly said in memory of our departed comrade. I shall avoid all extravagance of eulogy. The noble and manly character of EVARTS W. FARR would be marred by any unreal adornment. And yet it is well for his living associates, so soon to follow, to bear testimony to the worth and exalted character of him whose memory to-day we honor.

Even in the rush of crowding duties here a moment's pause by the bier of a fallen comrade is not an idle ceremony. It is wise and well that for a little time at least party conflicts and even the tumult of needful interests should be hushed in such a presence. In that stillness are heard the truer voices, and to that vantage ground come purer air and glimpses of a serenely sky. Partisanship is hushed, and the inspiration of generous comradeship strengthens the ties which should bind associated men in amenity and mutual trust. Amid our party antagonisms and fierce rivalries the fraternal intercourse and warm friendships, to which that middle aisle is no barrier, not only redeem the sordid littlenesses of life but ennoble true manhood.

My acquaintance and intercourse with EVARTS W. FARR are among the tenderest and most treasured recollections of this eventful Congress. In the early days of its first session we formed an acquaintance which soon grew into a warm friendship. Serving on the same committee, I had opportunity to know and admire the many noble traits of his character. His colleague has already tenderly and eloquently told the story of his eventful life—his early struggles, his later triumphs, the confidence and love of his people—and paid just tribute to his domestic virtues and recognized abilities.

Coming of sturdy New England families, EVARTS W. FARR's life attested the maxim that "the blood of descent is the prophecy of destiny." He was a type of the region from which he sprang, and of the intelligent and appreciative constituency which had laid upon him the honors he so modestly accepted and the duties he so faithfully discharged. In that section of our country education is universal, labor is justly honored, property largely distributed, and nowhere operate more fully all the great formative forces which make character, develop intellectual and moral elements, and mould nationalities. Hence that section, since the foundation of our Government, has been represented in this body mainly by men of native strength and sound learning, practical sense, and healthy patriotism—men both in mind and character self-poised and symmetrical—the natural outgrowth of such surroundings and such conditions.

One of the profoundest thinkers of this age has wisely said:

The deeper you study history the surer you find the truly great men and their eras like threads interwoven in the tissue of the whole successive history of their race or nation. There is yet Miltiades in the atmosphere we breathe in this country, and there is Alfred in our daily doings.

And thus New England not only founded a distinctive nationalism within her own borders, but awakening latent forces, voicing the vague but irrepressible longings of the times, and organizing the formative elements of a broader future, has added impelling power to our growth, influenced our history, and being largely in sympathy with the progressive principle which in a free country passes from



conscience to laws and institutions with irresistible force, has powerfully aided our national struggle into institutional existence and permanence, and now these expanding elements are as much a part of our national life as Warren and Adams and Webster are part of our national history.

These reflections suggest themselves here because a typical outgrowth of these New England conditions and these distinctive forces was EVARTS W. FARR. His colleague has spoken of him as a student, a soldier, and a citizen. How characteristic, and how touching that patriotic devotion of the boy scholar turning resolutely away from academic honors to the hardships and perils of the camp and field the very hour he knew his country needed him. No wonder he bore himself so bravely and so grandly through all that awful conflict. The nobility of his nature recognized faithfulness to duty as his supreme guide, so that even after he had lost his right arm at Williamsburgh he joined his regiment before the wound was fully healed, and with an intrepid valor which no danger daunted, no suffering subdued, no defeat disheartened, he remained in active service till in his shattered frame were fixed the seeds of disease which finally undermined the citadel of life. While his country needed his services he refused to care for his own health or safety. Indeed, he seemed to value life itself

But as he served or saved the State.

I shall never forget his look or words as he replied to me one day as to the loss of his arm. With the light of conscious triumph in his eyes, he said in a deep, soft whisper: "No; it is less than I had expected to give my country." Ah, the light of eternity alone can reveal the awful sacrifices made—willingly, proudly made—to our imperiled nation!

And though so modest as to his own claims to honor and so unselfish as to his own demands, he was intensely sensitive to the needs of his soldier comrades and deeply indignant at the wanton neglect of their long-deferred appeals for hearing and justice. Carefully and laboriously he examined the pension claims before that committee, and urged those which were just and meritorious with an honest zeal which stood amazed when he found it impossible to obtain for them the attention of Congress.

His last recorded words in this House, near the close of last session, were an eloquent plea that the soldiers of our country who had just claims not only for hearing but for help should no longer be neglected, and that the one day in each week dedicated by our rules to such claims should not be, as it had been, constantly taken for other business. His was the completeness of integrity—the very chivalry of justice. And to him it very naturally seemed that there could be no duty so imperative, no obligation so urgent, no work so welcome to the agents of the Government or the elected servants of the people as to mete out just if not generous recognition to the deserving soldiers of our country, many of whom are in dire need, helpless, suffering, but still the same men whose once stalwart arms upbore the dear old flag and whose bodies bridged the awful chasm over which the nation marched to victory and peace.

A striking trait of Major FARR's character was his modesty. Conscious of honest, faithful service, eager only for duty, he had no hunger for mere notoriety and sought no personal advertisement. Even when fully prepared on a subject, he was wont to urge others to take the floor—a rare unobtrusiveness. Indeed, his quiet, earnest work was for a purpose and not for effect, and seemed perpetually to embody the spirit of the Persian proverb:

Words are the children of the wind, deeds are the daughters of the soul.

Absolute honesty and truthfulness were among the impressive characteristics of his nature. Not mere commercial honesty, but truthfulness absolute and honesty in the highest sense of that much embracing and grand old Roman word. Wellington, in the House of Lords, just after the sudden death of Sir Robert Peel, in speaking to his memory, praised above all his "truthfulness;" an honor alike to the great statesman who merited it and to the great soldier who so fitly valued it. Well may we all remember that the gratitude and love of peoples follow only those who in the service of their country lay unstained hands

Upon the ark  
Of her magnificent and awful cause.

The generous nature of our associate was full of magnanimity. Though intensely loyal and patriotic, though maimed in body and broken in health in the service of his country during the war of the rebellion, he bore no bitterness and no resentment. The magnanimity of his soul sought to embrace every citizen of our country in the bonds of conciliation and brotherhood, and his broad patriotism recognized in every State and every section parts of an indissoluble national unity.

One of the youngest members of this body, no man would have selected EVARTS W. FARR as the first who should break our circle. He was in the very morning of his usefulness and power. The dreams of youth were becoming realities, and with iron will and brave heart he was shaping them into beneficence and fame. In the midst of youth and ambition unfulfilled he has left us.

The ancient Northmen's image of death is less repulsive and more Christian than that of Christian countries. No skeleton, but a gigantic figure that envelops men in the massive folds of his dark robes. But whatever the symbol, whatever the promise of youth or the ripeness

of age, Death is always sudden and solemn. He sends no herald and awaits no delay.

We know when moons shall wane,  
When summer birds from far shall cross the sea,  
When autumn's hue shall tinge the golden grain;  
But who shall teach us when to look for thee.

Yet to the soul prepared it matters not. The "well done" is the crown of life. So long as a man dwells on earth life is but a fragment. But the close may seal the work with the benediction of changeless fruition. The career finished in honor and radiant with faith becomes a completed power and an everlasting possession.

May those of us who are left to speak and hear the tributes of this august and sad observance to our beloved associate take heed and ponder the lesson it emphasizes. May we so live and act that something of the good said of him to-day may be as truly said of us, and that death shall be to us indeed the crown and vestibule of life.

The name and fame of EVARTS W. FARR live to his family, his State, his country. He was a good citizen, a brave soldier, a faithful legislator, a true man. Works of loving purpose and noble ambition beautified a life round which will forever cluster tender and holy memories. Warm with the affections and wise with the aspirations which take hold of the life beyond, faith lends the light which clouds cannot hide nor shadows dim.

In the bosom of his beloved New Hampshire, amid the wild beauty of his native valley by the Ammonoosuck he sleeps, borne to his last rest by the loving hands of the grand old fraternities of which he was an honored member. Mount Washington, in cloud-crowned grandeur, stands silent sentinel above his grave. It shall perish. He shall live.

He has done the work of a true man;  
Crown him, honor him, love him,  
Weep over him tears of women,  
Stoop manliest brows above him.  
For the warmest of hearts is frozen,  
The freest of hands is still,  
And the gap in our picked and chosen  
The long years may not fill.

Mr. SHALLENBERGER. Mr. Speaker, I do not rise to occupy the attention of the House with any formal eulogy of my comrade, colleague, and friend. Others who knew him intimately and well have given the particulars of his life and the analysis of his character and record in eloquent and fitting terms. It was not my privilege to know him until we met in the extra session of the Forty-sixth Congress which is now drawing to a close. I had not the intimacy that grows out of association on committees, nor were we often thrown together in social gatherings. But it was our fortune to sit near each other on the floor of the House. An acquaintance was readily formed. His age, which was nearly my own, his empty sleeve, and his Army record soon drew me toward him. I could not fail to observe his conduct and his votes during his brief service as a Representative.

At the request of his colleague, in charge of these memorial resolutions, and in justice to my own feelings, I very cheerfully place on record in a few simple words my profound respect for the memory of my deceased friend. His life was neither long nor eventful to a degree that justifies very general recognition and extended eulogy. I greatly mistake the character and taste of EVARTS W. FARR, if living he would have enjoyed unmeasured praise. He was a man of intelligence, of quick perceptions, of wonderful industry and fidelity, of rare courage in upholding his convictions, and of transparent honesty of purpose. He was a student of books and a student of men. He gave himself unreservedly to the work that he undertook. Never absent from his seat unless from necessity, he kept himself informed of the procedure of business and the merits of pending legislation. He was industrious in committee, attentive to his constituency, and extremely anxious to inform himself as to the best methods of serving his country at large as well as the State he in part represented. He was an earnest and uncompromising partisan in the true sense of that word. He believed in the great principles of his party and in its policy of administration as best for all sections of the country.

He recognized the necessity of political as well as military organization, and when out-voted for command esteemed it his duty and his privilege to march in the ranks, side by side with his comrades and coworkers. He believed in aggressive rather than defensive warfare; in advancing the right rather than in obstructing the wrong; in sowing and cultivating good seed rather than in employing his time and wasting his energies in the destruction of weeds. No one could well suspect him of swerving in the least degree from his convictions of right and duty. He was wise enough to seek more information, and discreet enough to build patiently and well by study, observation, and experience the foundation of a congressional reputation that, had he lived, must have sustained a solid structure.

His intellectual ability and parliamentary knowledge shone all the brighter in the setting of a modest self-distrust. As a boy we are told he schooled himself by his daily toil, as the brightest and best of New England boys have done. When the war broke out he was in college and among the first in the Granite State to enlist in April, 1861, as a private soldier. As a captain at Williamsburgh under Hooker he left his right arm on the field of battle. Longer service or greater sacrifice could not have been expected; but his wound had scarcely healed when he sought the front under Grant and Sherman in the Southwest with a major's commission; and not till the war closed did he quit the Army, not always in the field, but always in

the line of active, faithful service. After the war as a law student, successful practitioner, trusted and honored public officer, and finally as a Representative in Congress he maintained the same heroic and unselfish character.

Others have been more conspicuous than he both in military and in civil life, but we may look in vain for a better illustration of the ideal volunteer soldier and citizen of the Republic. When danger threatened his countrymen he was first to seek and last to leave the most perilous and patriotic service. When peace came and the waste of war must needs be repaired, he was again first among the faithful in giving the best energies of a dauntless spirit and an enfeebled, crippled body to the civil service. He died in the prime of manhood, most loved and respected by those who knew him best. It is said that a pebble dropped in ocean will send its wavelets to the distant shore.

Is it too much to say that a life like that of our deceased colleague, pure, unselfish, uplifting in its aims and efforts, dropped in the great ocean of humanity, will not pass from sight without leaving behind an influence that touches the hearts and lives of generations to come? The strength and promise of our American institutions lie in the development of just such characters as that of Mr. FARR. Faithful, as I am told, to every trust confided to him, and generous in kind words and good deeds, he has done what he could to alleviate human suffering and to elevate and ennoble human kind.

Mr. HALL. Mr. Speaker, thrice during this Congress has the end of earth come to members of this House. One of our associates during each of our previous sessions, and now a third just as we were assembling here for this session, have been called from these scenes of warm contention and earnest endeavor to that unseen world to which we know we, too, are all so soon to follow.

Sudden and unexpected as were the deaths of Mr. Clark at our first session and that of Mr. Lay at our last, the news of the decease of my late colleague, Hon. EVARTS W. FARR, at his home in Littleton, New Hampshire, on the 30th day of November last, was hardly less unexpected or more appalling to his associates in this House or to his friends in his own State.

On the evening of Monday preceding the opening of this session I first learned of his brief illness through the public print, and the next morning at nine o'clock he was dead. Though the disease which was the immediate cause of my late colleague's death was so brief that his neighbors hardly missed him from the streets of the village before he was dead, I am aware that he had for months suffered from a complication of diseases which we now know must at any rate have at no remote period brought his life to a close. I very well remember how much and how patiently he suffered here from ill health during the last spring months until finally, under the earnest advice of his physician, he was induced to ask leave of absence for the closing weeks of the session and take a short sea voyage for the benefit of his failing health. I think I have never known a member of this House more constant in his attendance upon its sessions or one who seemed to feel more keenly the necessary absence of an hour than Mr. FARR, and so, troubled and too sensitive about his enforced absence, two days before the close of last session he had returned here improved in appearance and spirits, but still by no means a well man.

From a conversation with him in this Hall, perhaps the last one I ever had with him, for I never saw him after our separation last June, I learned that he was one of that great army of martyrs to their country's cause, who, spared death in battle, camp, and prison, are reserved to after years of pain and infirmity, from insidious disease fastened on the system while serving in our Army during the late civil war.

Major FARR was one of the younger members of this House, having but just completed his fortieth year at the time of his death; but those years were full of earnest effort and stirring incident, though no special privation beset his early life or remarkable opportunity opened before his maturer years.

Waiving the assistance which parental affection was always ready to afford he was always inclined, as I am informed, in his boyhood to rely on his own unaided efforts, and early showed that manly self-reliance and that spirit of independence which so characterized him in after life, by largely, if not entirely, defraying the expenses of his preparatory education at Thetford Academy, in Vermont, a seminary of good repute and large patronage, where he graduated with valedictory honors and subsequently entered Dartmouth College in the class which graduated in 1863.

Here the war of the rebellion found him pursuing his freshman studies, the earnest, genial son of God-fearing, liberty-loving parents of the Puritan stock. The offspring of such an ancestry, he had imbibed from the daily intercourse of the home circle, from the teaching of the district school, and from the whole social and moral atmosphere that molded his character an earnest admiration for that view of life which claims complete freedom and equal privileges and opportunity in life's struggle for all.

To a mind shaped under such influences anything like classic distinction in the State or in social life, or the arbitrary enforced subservience of individuals or a race, was repugnant beyond endurance, and it was passed comprehension when any attempt was made to reconcile such a system with any code of ethics which reckoned honesty a virtue or theft an offense against fair dealing. Such views his college life was calculated to intensify.

Dartmouth College had been founded a century before, in the heart of our northern wilderness, having for its motto, "*Vox clamantis deserto*," the voice of one crying in the desert, and with the distinct avowal that its mission was to educate the proscribed red man in common with the sons of the white settler. With advancing years and receding forests the Indian had ceased to frequent its halls, but the comprehensive, race-wide philanthropy of Wheelock and his associates had left an abiding impress on its successive generations of instructors and given shape and direction to its mission as an educator of young men; and when the great struggle of 1861 came on, whenever it was referred to, whether among the students themselves in the recitation room, or the hall of more public discourse, there was praise of the social equality pervading life in the free States, and a corresponding denunciation of the peculiar institution which had brought on the great conflict and for the perpetuity of which the struggle was confessedly waged; and soon young FARR, with others of his fellow-students, had exchanged the academic gown for the uniform of the soldier.

Volunteering on the 20th of April, 1861, as a private, he remained in the Army down to June, 1863, when he was honorably discharged. During most of these years, excepting the brief period when he was disabled from keeping the field after the loss of his right arm in the battle of Williamsburgh, Virginia, in May, 1862, he seems to have been in battle, camp, and on the march.

By his bravery and a conspicuous exhibition of all the traits that mark the good soldier, he rose from the rank of private to that of captain in the Second Regiment, and finally to the rank of major in the Eleventh Regiment of New Hampshire Volunteers.

Returning at the close of the war to his mountain home, he set about the study of the law, and was admitted to the bar of Grafton County, New Hampshire, in 1867; at once opened an office in his native town of Littleton, and there continued in the practice of his profession down to the time of his last brief illness, excepting as he was called to places of public trust; and these calls were not infrequent, and they were conspicuously to commanding positions and places which require for their possessor that private worth and public confidence which Major FARR so fully possessed.

Having been assessor of internal revenue by presidential appointment from July, 1870, to the abolition of the office in 1873, county solicitor of Grafton County by executive appointment in 1873 and again in 1876, a member of the executive council of his State in 1876, he was elected a member of this House for the Forty-sixth Congress and again elected to the Forty-seventh Congress in November last.

To those gentlemen in this House who were so fortunate as to make Major FARR's acquaintance it will be no surprise when I say he was a great favorite with his party and the pride of our New Hampshire people. Proverbial for his honesty and his honor, his patriotism proven by his heroic service for his country, his courage on the very crest of battle attested by that empty right sleeve, a bright man intellectually and well poised every way, never descending from the highest moral plane in his daily walk and conversation, a good lawyer, the pleasant gentleman always that you saw here, the leader in every good work, it is no wonder that old men stood by him, young though he was, nor that the young were fascinated by his life, nor that all classes and ages rallied around him and made him their standard-bearer whether he would or no.

The men and women of that northern region are stern in their notions of right and wrong, and exacting of their public servants in matters of public policy; but so well had their requirements been met in his case that their affection toward him whose life we to-day commemorate was as fervid as the fires on their hearth-stones; and when his death was known there was a sense of personal bereavement among all classes which comes only when a trusted leader who is the hope and reliance of the State in the emergencies of the future falls.

As a lawyer, Major FARR had his training and passed his professional life at a bar which for many years has been remarkable for the legal knowledge and forensic ability of its members. Personally I knew little of him in his profession, but I am told that his natural vigor of intellect, aided by that perseverance and determination to excel which seem never to have failed him, very early gave him a prominent position as a lawyer, not only in the minds of community generally, but as well in the more discriminating estimate of the profession. Doubtless others were severer students of books and sharper practitioners, but none, I venture to say, took broader views of the law or made more sensible application of its principles, and no one practiced the law in a more honorable way, or more for the good of the State, or more to the satisfaction of his clients, than Major FARR.

Genius has been said to be the undue development of some one faculty at the expense of others, and all of us have seen too many instances of the like. Genius in this sense Major FARR had not, but if he had none of those shining qualities which dazzle and attract, he had all those qualities which go to make up a noble manhood well balanced and well disciplined. He was a most consistent and serviceable man, rich in good works in public and private life alike. No one was more constant in attendance here than he, none more punctual or more fearless in putting himself on the record on all questions acted on in this House. Though he took little of the time of this House in speech-making, it was neither because he was not interested in matters of legislation, nor because he was not a ready and effective debater, for no one followed our deliberations with more care than he, and he spoke with ease and an ability that attracted attention upon



all subjects that interested him. Doubtless, with longer service here, he would have been found valuable in discussion as well as in consultation.

That my colleague should have been cut off ere it was the noon of life with him; when life promised so much of enjoyment and usefulness; when his hopes were so high and the endearments of that now stricken and desolate little family were so great, is incomprehensible. Reason reels at the blow; all the resources of philosophy and speculation give no solution of the mysterious Providence, and we are reminded that we are here simply the executors of another's will; that the disposition of nations and of individuals alike is not in finite hands. "For now we see through a glass darkly; but then face to face." Now, and whenever we recall our lamented brother, we will say the best we can say of any:

He has done the work of a true man.

Never rode to the wrong's redressing  
A worthier paladin.

Shall he not hear the blessing,  
"Good and faithful enter in?"

Mr. BLAKE. Mr. Speaker, twice within my brief term of service in this House has the seat at my right hand been vacant. Two of our fellow-members who sat there have been taken from us by death. First, Clark of Iowa; then, FARR of New Hampshire. Both of them were "good men and true;" both of them the faithful servants of the people; both of them my friends.

It is of Mr. FARR only that I am to speak at this time. My liking for him was of no sudden growth. Until he came to this seat, I knew not even his name. And then—so soon was it after the loss of poor Clark—I was in no mood to greet him or any other with ardor; while FARR himself, as if he read my thoughts, was shy and formal. Thus were we for a time kept apart. The courtesies of our daily intercourse, however, gradually drew us together, and acquaintance ripened into friendship. When we separated, at the close of the last session, it was with words of mutual regret. During the vacation we exchanged letters, and made plans, which now, alas! are never to be realized. I had heard that he was feeble in health, but I did not foresee the end that was so near. To-day, he lies buried in one of the beautiful valleys which he loved, among the Granite Hills, and the snows of winter are heaped high above his newly-made grave.

It was not easy to become familiar with Mr. FARR. He did not "wear his heart upon his sleeve." He sought no intimacies. Strangers did not understand him. Nor did he respond quickly to their advances. There was to them—and to them, alone—an exterior of reserve; or, sometimes, a plainness of speech which repelled. And a few may have said that he was wanting in sympathy. But these knew him not. His inner self was hidden from them. To those favored ones, who, having gained the key, passed within the portal, he was frank and genial, full of sensibility, tender and loving, abundant in deeds of kindness and good-will.

Little by little did he tell me the story of his life: of his boyhood; of his efforts to obtain education; his patience and self-denial; his arduous military service; his happy marriage; his successes as a lawyer; his participation in the civil affairs of his State; and finally of his election to Congress. The whole was told with great simplicity. There was no boasting; no seeking for praise. Not a word about his distinguished bravery upon the field of battle. All that have I learned from other lips than his own. As he drew the picture for me, he had merely tried to do his duty and to do it well. In his eyes, there was nothing of merit in doing that which is required of all men alike. But the record of this short life—so pure, so useful—is at once a lesson and a legacy for those whom he has left behind.

The few flaws in Mr. FARR's character were of manner rather than of the heart. Let us speak of his better qualities. He was modest—almost timid, and yet bold when there was occasion for boldness. Humble, yet proud of his strength when there was a wrong to be redressed or the weak and friendless were to be upborne. Zealous in behalf of a client or a cause, and yet zeal and honor went ever side by side with equal steps. Having a mind so broad that he could not be technical, he was direct always in speech and purpose. Like the Sultan Akbar, he believed that "no man was ever lost in a straight road." Hence was he without craft and without deceit. He hated a lie, and for the liar he had scorn. His early struggles had made him practical. Common sense held the scales in which he weighed all things; and honesty of the old-fashioned kind left him rich only in the esteem and confidence of his fellow-men.

When he came into this body it was with the determination to be useful. He did not wish to be conspicuous. No member was more regular in attendance. No one more watchful of the proceedings. No one more studious of the methods of legislation. No one more industrious in the committee-room. No one more conscientious everywhere. None firmer than he in resistance to any scheme which seemed to be unwise or unwholesome. Thoroughly in earnest about every matter, whether great or small. Devoted to his constituents, being their representative in fact as well as in name. A partisan, and intense in loyalty to his party; at the same time so true to his country as to be in a measure independent of parties and party discipline. Clear and positive in his views upon all political questions and strong in their expression; nevertheless, without rancor or bitterness toward those whom he believed to be honestly opposed to them.

It was not strange, then, that the people who sent him here were

prompt to recognize his ability and his fidelity. Nor strange, that in the recent election they insisted upon his return, for further service, to the place which he had filled so well. Could he have been spared for a few years longer, I am persuaded that other and higher honors would have opened to him. And I know that he would have been found worthy of them all. It is idle, however, to speculate upon that which is impossible. His earth-work is finished. He comes to us no more. But there are some in this presence, to-day, by whom he will not be forgotten. In our hearts, his memory—like the sweet-scented branches of the pine tree and the hemlock which stand as sentinels around his grave—shall be green and fragrant forever.

Mr. SHERWIN. Mr. Speaker, I was unacquainted with the deceased member from New Hampshire until I met him here at the extra session of this Congress. The badge he wore, his empty sleeve, first drew my attention toward him, and the formal introduction which followed ripened into an acquaintance during the last session of Congress especially, sitting as he did so near me, which led me to respect, admire, and trust him. Coming as we did from wide-severed portions of the Republic, he from the shadows of Mount Washington in the valley of the Connecticut, and I from the level prairies of Illinois, we yet joined hands in this Hall, one in hope and one in purpose and desire to do that which should redound to the prosperity, the glory, the power, of the nation.

I knew nothing of his life at home. I did know that he had given one of his limbs to his country, and had loyally lavished his strength and the energy of his youth for four long years that the nation might endure an undivided republic forevermore. I can fancy that Major FARR, a student at Dartmouth, the honored *alma mater* of many accomplished and illustrious jurists, statesmen, orators, and scholars, when the late unhappy conflict was impending may have repeated the immortal words of New Hampshire's and Dartmouth's greatest son in the peroration to his second speech on Foot's resolution, expressing the very passion of liberty and union and converting the nation's fears for both into a prophecy, afterward to be gloriously fulfilled; and that those words, now classic, while upon the lips of Webster were but an unquenchable aspiration, were, under the exigent demands of that time, at once transmuted by him into a lofty purpose, which seized upon and impelled him to heroic deeds. Changing the majestic eloquence of the Senate into sublimest action, he helped to place the feet of the nation upon the immovable granite of Union, one and indivisible.

He showed in all my intercourse with him here that he was moved by a constant sense of duty to himself, his constituents, and his country. He was unflinching in the performance of his duties, and untiring in all the routine work which is cast upon a member of Congress. And while attending faithfully to the uninteresting, common, and exacting demands made upon him daily, he was constantly studying the intricate methods of legislation and familiarizing himself with the course of congressional business, that he might be fitted to grapple in the future with those greater and more important questions of state which are only opened to those men of experience acquired within these walls.

He had a mind of singular directness, which went at once to the marrow of a question. He was sometimes impatient at the delays of public business and longed to cut off or suppress all extraneous considerations when debating public questions and proceed directly to its consummation. Yet he was careful and cautious in all essentials.

It is not necessary for me to say that he was animated by a patriotism as broad as the banner which embraces the whole land in its folds, and as bright as are its stars. His love of country was a passion with him. His best thoughts and purposes were given to it, even as he had before given of his body and his blood, freely and without stint. An imputation upon its honor was like a personal affront to him. His country was not New Hampshire, but the Union, indivisible and grand. While he loved the granite hills upon which he was born and reared, and they were his home, those hills were comprehended in the all-embracing circuit of the Republic.

He was simple and unaffected in his manners, and easily approached by every one. Those who knew him could not but be charmed by the frankness of his address, the intelligence of his conversation, and the kindliness of temper which shone over all. A stranger even would have recognized in him a man of stern integrity and purity of life.

This man, whose life had been full of heroic experiences and strenuous living, who had set his ideals high above the ordinary levels of the world and was possessed of the vigor to successfully pursue them, had been selected by the people who knew him best to represent them in the council chambers of the nation before he had attained to the prime of his manhood.

He had acquitted himself so well in his high trusts that he had been the second time chosen by them as their Representative, but hardly had the news of his last success reached us before the wires brought the painful announcement that he was no more. Ambition was laid at rest. Death stepped noiselessly between him and the goal he had set himself. That career, which had so lately opened to him its bright promise of usefulness, for which he had girded himself, but which he had as yet hardly begun to run, was suddenly closed, and we stand by his vacant seat pondering upon the frail tenure by which man is held to the concerns of life. We cannot comprehend the wisdom which has removed him so early from the work of life which he was so well fitted to perform; but we can understand and do know that

he has left with us the record of a man modest yet firm; one who loved the true and the good, and was ready to work for them; a wise legislator, a patriot, an honest man.

Mr. RAY. Mr. Speaker, after what has already been so worthily said of the life and public services of my late predecessor, but little remains for me to add. I feel unwilling, however, to let this occasion pass without paying my humble tribute to the worth of EVARTS W. FARR.

Residing near him, it was my privilege to know him intimately for twenty years and upward. As a civilian, he laid no claim to leadership, as that term is commonly understood, but he was, nevertheless, a thoroughly excellent and public-spirited citizen, possessed of good judgment and sound common sense.

From personal observation ever since he came to man's estate, I can safely aver that in every position of public trust or private confidence in which he was placed he was reliable, faithful, and efficient.

He who does the best his circumstances will allow,  
Does well, acts nobly; angels could no more.

I concur fully in the accurate compend of his biography which has been so eloquently given by my colleagues, and will not, therefore, take the time of the House in its repetition. The people of his district, appreciating the creditable manner in which he had acquitted himself, both in military and civil life, had elected him as a member of the present Congress by a decisive majority, and honorable members associated with him upon committees, and all who enjoyed his acquaintance, can testify how worthily that honor as well as that of his re-election to the Forty-seventh Congress was bestowed by his constituents. Few men have made more friends during so brief an allotment of life, and none have left behind them fewer enemies.

Upon this occasion I can do little more than to express the sentiments of kindly regard with which my long acquaintance with Major FARR had inspired me, leaving to others, who have to-day so well fulfilled the task, to speak of those features of his career which endeared him to the people of New Hampshire, and which will endear his memory to them forever.

We listen now to the formal announcement of his death that we may, by this public demonstration, show our respect for the high office which he held, and our appreciation of his patriotism as shown on the battle-field and his faithfulness as displayed in civil life. These resolutions cannot augment the fame of the deceased, but they will show that the Republic can be grateful to those who have served her well, and that men of all parties can appreciate the qualities which illustrated and adorned his life.

The lesson of his well-spent life and untimely death cannot fail us, for the former is ever before us as an example, the latter as a warning. The spectacle of one cut down in the prime of his manhood, in the very midst of a useful and meritorious career, is one that may well make us pause in the hurry and bustle of our daily duties, to consider whether life is worth all the wear and tear and worry that we undergo for worldly purposes alone, and it brings to mind, with overwhelming force, the truth that it is not all of life to live. The pure, patriotic, and noble life of our deceased friend remains only a memory, but it is a memory which descends to his family, and kindred, and friends as a priceless inheritance, an imperishable legacy of honor.

With mingled feelings of sadness and satisfaction I move the adoption of these resolutions: sadness at the occurrence which gave rise to their introduction, satisfaction because of the opportunity afforded me to forward what I consider most appropriate action on the part of this House in commemoration of an event which has brought sorrow to so many hearts and an impressive lesson to us all.

The SPEAKER. The question is on the adoption of the resolutions submitted by the gentleman from New Hampshire.

The resolutions were unanimously adopted; and then, in obedience thereto, the House (at three o'clock and forty-five minutes p. m.) adjourned.

#### PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BREWER: The petition of Henry Howard and Alonzo N. Moffat, that an American register be granted the steam-barge Tecumseh—to the Committee on Commerce.

Also, resolution of the Legislature of Michigan, asking for an appropriation to improve the harbor at New Buffalo, in the county of Berrien, Michigan—to the same committee.

Also, resolutions of the Association of Agricultural Societies of Michigan, asking that the Bureau of Agriculture be made a Department, and also that measures be taken to prevent the spread of contagious diseases among cattle—to the Committee on Agriculture.

By Mr. CARLISLE: The petition of William W. Hanes, for an extension of his patent for an improvement in explosive projectiles for ordnance—to the Committee on Patents.

By Mr. CARPENTER: The petition of Charles W. Minard, John Standley, and others, soldiers of Grant City, Iowa, against the passage of the sixty-surgeons pension bill—to the Committee on Invalid Pensions.

By Mr. CONGER: The petition of P. A. Wilton and others, citizens

of Michigan, for such amendment of the patent laws as will protect innocent purchasers against fraud in the sale of patented articles—to the Committee on Patents.

Also, the petition of P. A. Wilton and others, citizens of Michigan, for the passage of laws requiring just and equal charges for transportation and freight—to the Committee on Commerce.

Also, the petition of Samuel Woolbridge, of Michigan, for compensation for injuries sustained by reason of an alleged illegal arrest and imprisonment by United States officials—to the Committee on Claims.

Also, resolution of the Legislature of Michigan, asking for an appropriation in money for the improvement of New Buffalo Harbor, Michigan—to the Committee on Commerce.

By Mr. HENDERSON: The petition of Joseph B. Cushman and others, that soldiers discharged for disease receive the same bounty as those discharged on account of wounds—to the Committee on Military Affairs.

By Mr. MCGOWAN: Resolution of the Legislature of Michigan, asking an appropriation to secure an efficient harbor at New Buffalo, Michigan—to the Committee on Commerce.

Also, the petition of S. L. Bentley and 80 citizens of Eaton Rapids, Michigan, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of S. L. Bentley and 75 citizens of Eaton Rapids, Michigan, for the enactment of an income-tax law—to the Committee on Ways and Means.

Also, the petition of Lewis Gordon and 10 others, citizens of Michigan, against the passage of the sixty-surgeons bill—to the Committee on Invalid Pensions.

Also, the petition of William G. Philips and 84 others, citizens of Eaton Rapids, Michigan, that the Bureau of Agriculture be made a Department—to the Committee on Agriculture.

Also, resolutions of the Association of Agricultural Societies of Michigan, asking that the Bureau of Agriculture be made a Department, and also that measures be taken to prevent the spread of contagious diseases among cattle—to the same committee.

By Mr. McMAHON: The petition of C. N. Cobler and 60 others, for the passage of an income-tax law—to the Committee on Ways and Means.

Also, the petition of A. L. Clark and 60 others, for the passage of a law to protect innocent purchasers of patented articles and patent rights—to the Committee on Patents.

Also, the petition of T. J. Oldfather and 60 others, for the passage of an interstate-commerce bill—to the Committee on Commerce.

Also, the petition of J. C. Stiver and 60 others, that the Bureau of Agriculture be made a Department—to the Committee on Agriculture.

By Mr. SCOVILLE: The petition of citizens of Buffalo, New York, that a duty be levied upon all fresh-water fish imported into the United States that may be caught in Canadian waters—to the Committee on Ways and Means.

By Mr. STEVENSON: The petition of soldiers of Logan County, Illinois, against the passage of the sixty-surgeons bill—to the Committee on Invalid Pensions.

By Mr. TILLMAN: The petition of members of Saint George Grange, Colleton County, South Carolina, that the patent laws be so amended as to protect innocent purchasers against fraudulent vendors of patents and patent rights—to the Committee on Patents.

By Mr. VALENTINE: The petition of W. G. Hildreth and 30 others, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of G. H. Haarmann, of Omaha, Nebraska, manufacturer of vinegar, against the passage of the bill (H. R. No. 6460) relating to the manufacture of vinegar—to the Committee on Ways and Means.

By Mr. WARNER: The petition of R. R. Hudson and 95 others, citizens of Middleport, Ohio, for the construction of an ice-harbor at that place—to the Committee on Commerce.

By Mr. WILLIS: The petition of the Louisville (Kentucky) Board of Trade, against the enactment of a bankrupt law—to the Committee on the Judiciary.

By Mr. YOCUM: The petition of citizens of Clearfield County, Pennsylvania, against the passage of the sixty-surgeons pension bill—to the Committee on Invalid Pensions.

#### IN SENATE.

WEDNESDAY, February 9, 1881.

The Senate met at eleven o'clock a. m.

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

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

#### PETITIONS AND MEMORIALS.

Mr. JOHNSTON. I present the petition of a number of citizens of Richmond, Virginia, praying for a further survey of James River, with a view of securing a channel to Richmond of twenty-five feet at full tide. This petition is signed by a great number of the prominent men and business men of the city of Richmond, and is so important that I ask that it be read.

The VICE-PRESIDENT. The petition will be read.